DOCUMENT RESUME

ED 330 125 EC 300 095

TITLE	Oklahoma State Plan FY 91-93: Part B of the Education of the Handicapped Act and Its Amendments.
INSTITUTION	Oklahoma State Dept. of Education, Oklahoma City. Div. of Special Education.
PUB DATE	1 Jul 90
NOTE	548p.; Appended interagency agreements contain semilegible print.
PUB TYPE	Legal/Legislative/Regulatory Materials (090) -- Guides - Non-Classroom Use (055)
EDRS PRICE	MF02/PC22 Plus Postage.
DESCRIPTORS	Accountability; Agency Cooperation; Compliance (Legal); *Disabilities; Due Process; Educational Legislation; Educational Planning; Educational Policy; Elementary Secondary Education; Federal Legislation; Long Range Planning; Master Plans; Needs Assessment; Records (Forms); *Special Education; Staff Development; State Legislation; *State Standards
IDENTIFIERS	*Education for All Handicapped Children Act; *Oklahoma

ABSTRACT

This document contains Oklahoma's State Plan for education of students with disabilities in fiscal years 1991-93, along with the following support materials: the Oklahoma Policies and Procedures Manual for Special Education; the text of selected Oklahoma state laws on special education; a set of Oklahoma interagency agreements; a guide for parents and school administrators concerning the state's due process procedures; the local education agency district plan for special education with requirements for submission; the Special Education Policies and Procedures Manual for Use of Federal Funds; and a public agency monitoring document for special education. Also included are samples of 25 special education and special services forms; excerpts from Public Law 94-142, the Education for All Handicapped Children Act; a checklist to ensure compliance with due process requirements; due process forms; training standards for hearing and appeal officers; and a suggested needs assessment for district compliance. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

ED330125

FY 91-93

OKLAHOMA STATE PLAN

Part B of the Education of the Handicapped Act and its amendments

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
J. Craddock

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

1907

BEST COPY AVAILABLE

EC 300095

Oklahoma State Department of Education
Gerald E. Hoeltzel, State Superintendent of Public Instruction
FY 1991

BEST COPY AVAILABLE

This publication, printed by State Department of Education Printing Services, is issued by Oklahoma State Department of Education as authorized by Gerald E. Hoeltzel, State Superintendent of Public Instruction. 130 copies have been prepared at a cost of $1,450.15. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries. September 1990

OKLAHOMA STATE PLAN
FY 91-93

PART B of the Education of the Handicapped Act and its amendments

Oklahoma State Department of Education
Gerald E. Hoeltzel, State Superintendent of Public Instruction

EFFECTIVE JULY 1, 1990

INTRODUCTION

This document is the FY 91-93 plan for the State of Oklahoma for educating handicapped children. It is a restatement and reaffirmation of policy and procedure that all public and private schools, agencies and institutions follow when providing special education and related services to handicapped children.

Policies and procedures contained in this document were established through a succession of preceding Annual Program Plans approved by the Bureau of Education for the Handicapped (now Office of Special Education Programs) from 1977-90.

Each section was developed using the checklist provided by Special Education Programs and is consistent with the letter and spirit of Public Law 94-142. This plan reflects a commitment on the part of all Oklahomans to work together to improve the quality of life for exceptional children.

TABLE OF CONTENTS

PART I Submission Statements and Certifications
A. Submission Statement 1
B. Assurance Statements 2
C. General State Applications--EDGAR Assurance 3
D. Certification Required by EDGAR 4
E. Civil Rights Certificate 5
F. Public Participation 6
PART II Substantive Requirements
A. Policies, Procedures, and Descriptions
  I. Right to Education Policy Statement 10
  II. Full Educational Opportunities Goal 11
  III. Child Identification 12
  IV. Individualized Education Program 18
  V. Procedural Safeguards 21
  VI. Least Restrictive Environment 28
  VII. Protection in Evaluation Procedures 31
  VIII. Comprehensive System of Personnel Development 34
  IX. Participation of Private School Children 43
  X. Placement in Private Schools 47
  XI. Recovery of Funds for Misclassified Children 48
  XII. Notice and Opportunity for Hearing on LEA Application 49
  XIII. Annual Program Evaluation 51
  XIV. Additional Requirements
    A. Responsibility of SDE for all Educational Programs 56
    B. SDE Monitoring Procedures 58
    C. Policies and Procedures for Use of Part B Funds 60
    D. Direct Services by the SDE 61
    E. Implementation Procedures--SDE 61
  XV. Confidentiality 63
B. Report on How Part B Funds Will Be Used
  I. State Allocations 68
  II. Local Educational Agency Allocations 69
C. Deaf-Blind Children and Youth (Title VI-C) 71
NOTICE OF POST-APPROVAL AMENDMENTS 72

ADDENDA

1. Policies and Procedures Manual for Special Education in Oklahoma
2. Interagency Agreements
3. Due Process Procedures Guidelines for Parents and School Administrators
4. LEA District Plan
5. Special Education Funding Policies and Procedures Manual for Use of Federal Funds
6. Public Agency Monitoring Document

PART I - SUBMISSION STATEMENTS AND CERTIFICATION

A. SUBMISSION STATEMENT

I, the undersigned authorized official of the State Educational Agency of Oklahoma, hereby submit the following State Plan for Fiscal Year 1991-93 under Part B of the Education of the Handicapped Act, as amended.

Gerald E Hoeltzel
Signature of Authorized Official

5/22/90
Date

Gerald E. Hoeltzel, State Superintendent of Public Instruction

B. ASSURANCE STATEMENTS

The State of Oklahoma makes the following assurances and provisions as required by Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411-1420):

I. In carrying out the requirements of 20 U.S.C. 1412, procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children (20 U.S.C. 1412(7) (A)).

II. Programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including subpart 2 of part D of Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 and section 202(1) of the Carl D. Perkins Vocational Education Act, under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs (20 U.S.C. 1413(a) (2)).

III. Federal funds made available under the Act: (A) will not be commingled with State funds; and (B) will be so used as to supplement and increase the level of Federal, State, and local funds (including funds that are not under the control of State or local educational agencies) expended for special education and related services provided to handicapped children and will in no case be used to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate education, the Secretary may waive in part the requirement of this clause if the Secretary concurs with evidence provided by the State (20 U.S.C. 1413(a) (9) (B) and 20 U.S.C. 1414 (a) (2) (B) (ii)).

IV. The State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in, or concerned with, the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local officials, which: (A) advises the State educational agency of unmet needs within the State in the education of handicapped children; (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children, and the procedures for distribution of funds under the Act; and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under 20 U.S.C. 1418 (20 U.S.C. 1413(a) (12)).

V. The Education of the Handicapped Act, as amended, will not be construed by the State to permit the State to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free appropriate public education for handicapped children within the State.

C. GENERAL STATE APPLICATION - EDGAR ASSURANCE

The State educational agency provides assurances that it will comply with the provisions contained in 34 CFR 76.101.

D. CERTIFICATION REQUIRED BY EDGAR

In accordance with 34 CFR 76.104 the state educational agency assures:

I. That the Plan is submitted by the state agency that is eligible to submit the Plan.

II. That the State agency has authority under State law to perform the functions of the State under the program.

III. That the State legally may carry out each provision of the Plan.

IV. That all provisions of the Plan are consistent with State Law.

V. That a State Officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the plan.

VI. That the State Officer who submits this plan, specified by title in the certification, has authority to submit the Plan.

VII. That the agency that submits the Plan has adopted or otherwise formally approved the Plan.

VIII. That the Plan is the basis for State operation and administration of the program.

E. EXECUTIVE ORDER 12372

This State certifies that:

To the best of our knowledge and belief, data in this State Plan are true and correct, the document has been duly authorized by the governing body of the State education agency and the State will comply with the attached assurances if the State Plan is approved.

The State Plan was submitted to the State's "single point of contact" under Executive Order 12372 on July 1, 1990.

F. PUBLIC PARTICIPATION (34 CFR 300.280-300.284 and 34 CFR 76.101 of the EDGAR)

Documentation that public hearings have been held and that the plan has been made available as required is included in this section. See page 6 for further details.

Oklahoma State Department of Education
Gerald E. Hoeltzel, State Superintendent
Community and Public Relations Section
Room 311, Oliver Hodge Building
2500 N. Lincoln Blvd.
Oklahoma City, OK 73105-4599
(405) 521-3331

NEWS RELEASE

For Immediate Release March 21, 1990

Contact: Gerald E. Hoeltzel (405) 521-4311
Connie Siler (405) 521-3351

OKLAHOMA CITY -- The State Department of Education, Special Education Services, will submit a state plan for educating handicapped children in compliance with P.L. 94-142 and its amendments in May 1990.

This plan will cover the years July 1, 1990 through June 30, 1993. Currently, all 50 states and 10 territories are required to submit revised and updated plans every three years.

The state plan projects what the state's goals and activities will be for educating children with handicapping conditions during the next three-year period.

It establishes policies and procedures to ensure that all handicapped children have available through the local district a free and appropriate public education, that their rights will be protected, that local schools will be assisted and the efforts will be evaluated to determine effectiveness. Federal and state laws, areas of special interest for children with handicapping conditions, funding mechanisms for federal and state money and other factors affecting special education in Oklahoma will be addressed.

The draft of the state plan may be reviewed at the State Department of Education in Oklahoma City or in any of the state's 21 Regional Education Service Centers beginning April 2, 1990.

Citizens interested in making oral comments regarding the state plan will have opportunity at two public hearings scheduled during April.

The schedule of public hearings is as follows:

Monday April 23 7 p.m.	Oklahoma City	Metro-Tech Auditorium 1900 Springlake Drive Oklahoma City
Wednesday April 25 7 p.m.	Tulsa	Tulsa Area VoTech (Lemley Campus Administrative Bldg., Rooms A & B) 3420 S. Memorial Tulsa

Written comments will be accepted through May 2. They must be submitted to: The State Department of Education, Special Education Services, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

LOCATIONS WHERE FY 91-93 STATE PLAN FOR EDUCATING HANDICAPPED CHILDREN AND YOUTH IS AVAILABLE FOR EXAMINATION

Ada Region: RESC XIV, Irving Community Center, 704 North Oak, Ada, OK 74820-3267, Steve Stewart, Administrator, (405) 332-6314

Afton Region: RESC V, Afton Elementary, P.O. Box 430, Afton, OK 74331-0430, Sue Bray, Administrator, (918) 257-4228

Altus Region: RESC XVII, Robert E. Lee School, 600 West Pecan, Altus, OK 73521-4353, Thel Cummins, Administrator, (405) 482-4197

Alva Region: RESC II, Professional Bldg.-Suite C, 410 4th Street, Alva, OK 73717-3263, Doris Curtis, Administrator, (405) 327-0603
Satellite:
  RESC, Tri-County, 2411 Williams Ave., Woodward, OK 73801-5725, (405) 254-3232

Anadarko Region: RESC XII, Anadarko Municipal Complex, S.W. 6th & Kentucky, P.O. Box 1355, Anadarko, OK 73005-1355, Pat Moran, Administrator, (405) 247-6688

Ardmore Region: RESC XIX, 100 Broadlawn Village, Ardmore, OK 73401-1723, Harlyn Smith, Administrator, (405) 223-2459

Bartlesville Region: RESC IV, 316 S.W. Seminole, Bartlesville, OK 74003-3331, Lloyd A. Scott, Administrator, (918) 336-3071

Burns Flat Region: RESC VI, John Ross Elementary School, P.O. Box 169, Burns Flat, OK 73624-0169, David Cowan, Administrator, (405) 562-3127

Durant Region: RESC XXI, 124 North 12th Street, Durant, OK 74701-4718, Sharon Bowles, Administrator, (405) 924-8866

Guymon Region: RESC I, Academy Elementary School, 8th & Academy Street, P.O. Box 1755, Guymon, OK 73942-1755, Twanda Tyson-Lower, Administrator, (405) 338-8901

Hugo Region: RESC XX, 215 East Kirk, P.O. Box 868, Hugo, OK 74743-0868, Glenda Fry, Administrator, (405) 326-5767
Satellite:
  106 N.E. Ave. A., Idabel, OK 74745-0837, (405) 286-5930

Kingfisher Region: RESC VII, Courthouse Annex #202, 124 East Sheridan, Room 201, Kingfisher, OK 73750-3224, Dale Roberts, Administrator, (405) 375-5666

Lawton Region RESC XVIII, 110 East Gore Boulevard, Lawton, OK 73501-3070, Sandra Boyd, Administrator, (405) 357-7185

McAlester Region: RESC XV, L'Overture Building, 1401 East Cherokee, McAlester, OK 74502-5635, Joyce A. Foutch, Administrator, (918) 423-6271

Moore Region: RESC XIII, 404 North Chestnut, Moore, OK 73160-4832, Dianne G. Mathis, Administrator, (405) 799-4458

Muskogee Region: RESC XI, Education Center, 570 North 6th Street, Muskogee, OK 74401-6009, Beverly Hargis, Administrator, (918) 683-3040

Oklahoma Region: RESC VIII, 4111 North Lincoln Blvd., - Suite 11, Oklahoma City, OK 73105-5213, Wayne W. Brooks, Administrator, (405) 521-4917

Sallisaw Region: RESC XVI, 312 South Walnut, P.O. Box 627, Sallisaw, OK 74955-0627, Dale Kirk, Administrator, (918) 775-3722

Stillwater Region: RESC III, Rosewood Hills, 211 N. Perkins Rd. - Suite 6, Stillwater, OK 74075-5519, James L. Casey, Administrator, (405) 624-1315
Satellites:
  831 East Oklahoma, Enid, OK 73701, (405) 234-5951
  613 E. Grand, P.O. Box 271, Ponca City, OK 74602-0271, (405) 765-4520

Stroud Region: RESC IX, Stroud Middle School, P.O. Box 667, Stroud, OK 74079-0667, Janet Canning, Administrator, (918) 968-2518

Tulsa Region: RESC X, 440 South Houston - Suite 200, Tulsa, OK 74127-8916, James R. King, Administrator, (918) 581-2353, (918) 791-2353 state line

(Post-Submission Notice)

NOTICE OF HANDICAPPED PLAN APPROVAL

Upon official notification of the SDE by OSEP of the approval of the 91-93 State Plan for educating handicapped children, the following notice will be sent by the SDE Communications Section to the Oklahoma State Capitol Press Service for release to the media.

OKLAHOMA CITY--The Oklahoma State Department of Education has received notice from Judy Schrag, Director of Special Education Programs, Department of Education, Washington, D.C., that Oklahoma's FY 91-93 State Plan for educating handicapped children has been approved by the United States Commissioner of Education, announced Gerald E. Hoeltzel, state superintendent of public instruction.

Approval of the three-year plan under Part B of the Education of the Handicapped Act, as amended, meets grant award criteria. The State Department of Education will receive approximately $65,000,000 during the three-year period of FY 91-93.

As required by P.L. 94-142, all handicapped children, birth through age 21, must have access to a free, appropriate, public education. The funds will be distributed through the State Department of Education to local school districts on the basis of the number of handicapped children counted as served on December 1 of each year.

Copies of the plan may be reviewed by contacting the Oklahoma State Department of Education, Special Education Section, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599, or any of Oklahoma's 21 Regional Education Service Centers.

PUBLIC COMMENTS ON
FY 91-93 ANNUAL PROGRAM PLAN--PART B, PUBLIC LAW 94-142

Please submit your written comments to: Sam Nunley, Special Education Section, Oklahoma State Department of Education, Oliver Hodge Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599

Reference Section____ Pg. ____	**Respondent**	**Concern**	**Recommendation**	**Department of Education Response**

9

PART II-SUBSTANTIVE REQUIREMENTS

A. POLICIES, PROCEDURES, AND DESCRIPTIONS

I. RIGHT TO EDUCATION POLICY STATEMENT

A. The Oklahoma State Department of Education (SDE) reaffirms the continuing commitment of the State to uphold the civil right of every handicapped child (0-21) of access to a free, appropriate, public education. (Addendum #1, Section I)

B. As the agency empowered to coordinate the supervision of all public and private special service programs throughout the State, the State Board of Education ensures through a variety of methods that required services are provided to all eligible handicapped children (0-21) in conformity with the requirements of P.L. 94-142 and P.L. 99-457. (Addendum #2, section 223(2))

C. To ensure all public and private agencies are fully and accurately informed of required policies and procedures that must be followed in providing appropriate public education opportunities to handicapped children and youth, the SDE annually distributes copies of its primary resource document *Policies and Procedures Manual for Special Education in Oklahoma* (Addendum #1). This manual was originally conceived as an adjunct to the State Plan and has since evolved into a highly utilitarian guide for designing, implementing, monitoring and evaluating special education programs. Basically, the manual describes:

1. The roles and responsibilities under P.L. 94-142 (and amendments) of the SDE, LEAs and other public and private special service providers:
2. Policies and procedures to be followed by all parties; and
3. Forms to be used to document IEP process.

D. Section I (Introduction) and II [SDE and Local Education Agency (LEA) Administrative Responsibility] of the manual state:

> "These policies and procedures are . . . to assure all handicapped children residing in Oklahoma the right to a free, appropriate, public education."
>
> ". . . every eligible handicapped child in Oklahoma, ages 0-21 years, has a right to an appropriate education."

II. FULL EDUCATIONAL OPPORTUNITIES GOAL

A. The Oklahoma State Department of Education reaffirms the state's goal of providing Full Educational Opportunities (FEO) to all handicapped children as defined in the act through programs meeting standards established and approved by the State Education Agency (SEA).

B. This goal is consistent with the state's mandatory special education law enacted in 1970 and applies to all handicapped children, 0-21, subject to the following limitations:

1. From birth thru ages two, services are mandated for the blind, partially blind, deaf and hard-of-hearing children and low incidence severely multihandicapped children, i.e., deaf-blind, retarded, cerebral palsied, autistic, and other children who fail to thrive from birth. (Oklahoma Statute 70-13-101)
2. Full services for all handicapped, ages 3 thru 18.
3. Services for ages 19 thru 21 are permissive except when a child has not received 12 years of education or graduated high school.

Under Oklahoma Statute,

> "the State Board of Education shall stimulate all private and public efforts to relieve, care for, cure, educate, or train handicapped children, and coordinate said efforts with the work and function of governmental agencies." (70-13-111)

C. This authorization enables the SDE to achieve the required degree of compliance and coordination with other agencies which has resulted in the development of policies and procedures insuring the adoption of the FEO goal by all agencies serving handicapped children.

III. CHILD IDENTIFICATION (Public Awareness, Child Find)

Child identification includes the components of public awareness and child find, as defined:

Public Awareness:	The provision of information aimed at improving the public's understanding of handicaps, handicapping conditions, and appropriate services provided to meet the needs of individuals with handicapping conditions.
Child Find:	An ongoing system which exists for the purpose of identifying, locating, and evaluating individuals from birth through 21 years of age with established or suspected handicapping conditions.

A. Policy

Each school district shall identify, locate, and evaluate those handicapped individuals from birth through 21 years of age, within its district, who are in need of special education and related services.

The policy for identification, location, and evaluation of handicapped individuals (0-21) is under the administration of the Oklahoma State Department of Education. Local school districts in collaboration with other public and community agencies at the county or local level will locate and identify individuals with established or suspected handicapping conditions. The population will include in -school and out-of-school handicapped individuals from birth through 21 years of age. The population will also include handicapped individuals from birth through 21 years of age who attend public and private schools, agencies, and state institutions.

Compliance with the child identification policy regulation is strengthened by sanctions of federal funds appropriated for the handicapped in various agencies and programs. Procedures for complaint resolution or disputes between agencies are established at the state level and utilize existing clarification routes for legal interpretation through the state Attorney General's office and governmental relations process.

B. Procedure

The need for special education and related service shall be determined by the following documented procedures as assured in the local district plan:

1. Each school district shall establish, maintain, and further develop an ongoing child identification process in collaboration with parents, health and social service agencies to inform persons about the state and federal programs for handicapped individuals in *each of these respective agencies*.

2. The process of communicating and disseminating the child identification program shall be conducted in a systematic and documented manner. This process shall emphasize an awareness of handicapping causes and conditions as well as the appropriate procedures for *accessing* services to identify eligible handicapped individuals from birth through 21 years of age. Included in this process should be the position/title of the most appropriate individual(s) to contact for information on accessing services.

The child identification process should include at least 1 type of documentation from 2 of the 3 following activities:

a. ONGOING advertisements, news releases, and feature articles in newspapers and agency newsletters;

b. MONTHLY advertisements, news releases, spot announcements, interviews on radio or television, and/or other public forum;

c. MAINTAINED placement of posters or referral post cards placed in public places (e.g., doctors' offices, pharmacies, community, stores, laundromats, libraries, hospitals) or in mailing (e.g., utility bills, church bulletins); distribution of brochures, newsletters or pamphlets; usage of films, slides, or other video presentations.

The diversity of both geographic and demographic factors in a given school district requires awareness and sensitivity when choosing the most appropriate types of activities needed to inform the public of the district's child identification process, components, and procedures.

3. Each school district shall develop and maintain a comprehensive multi-agency procedure for formal observation, interviews, and routine interventions that clarify the nature of the suspected handicapping condition(s). (Local agencies who serve handicapped persons shall address new requirements for coordination of public agencies' responsibilities to assure supplemental and nonsupplanting usage of funds in accordance with the Education of the Handicapped Act, Amendments of 1986, Title II, Section 203. The joint agency process will help delineate financial responsibility, encourage team effort, avoid supplanting, and increase the accuracy of diagnosis and effectiveness of intervention.)

4. Each school district shall develop and maintain a procedure for referral and comprehensive evaluation of individuals with observed, substantiated, or screened handicapping conditions. Included in this procedure shall be the record of the number of referrals and evaluations resulting from the district's child identification process.

5. Under the supervision of the State Department of Education, in-school child identification policies and procedures include periodic and state regulated testing programs which occur prior to first grade, during kindergarten and intermittently throughout the grades to check and recheck growth and development. Ongoing referrals and evaluations are conducted by 21 Regional Education Service Centers (RESCs) and/or public schools or guidance center personnel. Timelines under the procedural safeguard regulations are monitored for the development of individual education programs and placement following evaluations by qualified examiners.

6. Placement in special education and related services shall follow standards and identification criteria established in state and federal law.

C. Participating Agencies

The State Department of Education provides leadership, technical assistance, and monitoring of compliance in the area of child identification to local school districts in their multi-agency collaborative efforts to identify, locate, and evaluate handicapped individuals from birth through 21 years of age who are in need of special education and related services.

Current early intervention activities include joint agency and civic planning and implementation efforts through the Interagency Coordinating Council for Early Childhood Intervention of the Oklahoma Commission on Children and Youth. Extensive needs assessments and procedural plans have been developed through a state planning grant funded through the Federal Department of Education under P.L. 98-199. A five-year procedural plan continues to be developed to improve collaborative identification and delivery of coordinated services to infants and toddlers (0-2) with handicapping conditions and their families. The five-year plan includes the ongoing development of policies and procedures for the implementation of a statewide comprehensive, coordinated, multi-disciplinary, interagency service delivery system for infants and toddlers (0-2) with handicapping conditions and their families.

Efforts are currently in place to inform parents and professionals about maximizing resources and strategies through Oklahoma Areawide Service Information System (OASIS) and other parent and professional organized efforts; e.g., PRO-Oklahoma (Parents Reaching Out), Positive Reflections, and Friends of Special Children, Inc. These and other organizations for parent professional support and community collaboration continue to facilitate joint program development and improved services.

The Department of Health in collaboration with the Department of Education has been instrumental in the development of early identification and service follow-up of young infants who are high risk or established handicapped. The Oklahoma Infant Transition Program, a part of the Department of Pediatrics at the University of Oklahoma Health Sciences Center, addresses the behavioral, developmental and environmental needs of Neonatal Intensive Care Unit (NICU) infants who are handicapped or at risk for handicapping conditions and/or medically fragile at Children's Hospital of Oklahoma. Program components include screening for risk factors, infant assessment, family assessment, family support, transition to community early intervention programs and health and social services, case management, developmental follow-up, graduate student training, outreach to other state NICUs, continuing education and a Regional Training Center for the Neonatal Individualized Developmental Care and Assessment Program. Funding is provided through contract with the Medical Services Division of the Oklahoma State Department of Human Services.

A Special Project of Regional and National Significance (SPRANS) grant funded through the Bureau of Maternal and Child Health and Resources Development for Family Support enables family peer support, parent empowerment, and local community family support efforts. The SPRANS grant assists in networking community groups to advance the development of resources and awareness of procedures for child identification and program developmental needs.

The Oklahoma State Department of Health administers the at-risk tracking system to identify deaf children and provides the programs for the chronically ill. Risk factors which are of interest in the identification area are also overlapped in the registry for other conditions not currently mandated by state law. Maternal and Child Health programs for women, infants and children services in clinics and hospitals place health providers in close contact with at-risk and established handicapped children and generate many concerns for early identification intervention, prevention and public health follow-up. Guidance centers are administered by the Health Department and provide identification and evaluation services as well as parent training and child development.

The Vocational Rehabilitation and Visual Services Unit of the Department of Human Services (DHS) identifies persons who have a vocational handicap resulting from a physical or mental condition. The vocational rehabilitation counselors maintain contact with public agencies. Complete evaluation for identification of abilities and disabilities include medical, mental, educational, social, cultural, and vocational. In addition, viable assistance methodologies through technology and telecommunications are evaluated when appropriate.

The SSI-Disabled Childrens Program, which is funded through the Maternal and Child Health Block Grant (Title V) provides medical services, developmental and rehabilitative services to children under 16 years of age who receive Supplemental Security Income (SSI). The program is administered by Family Support Services Division of the Department of Human Services. Local social workers make visits to the home of the SSI-disabled child and link with other DHS units. The individual service plan is developed by the local DHS worker with participation from other agencies, professions and parents or guardians.

Title V Crippled Children Programs are administered through the Medical Unit-Crippled Children Unit of DHS. Identification need referrals are processed through DHS from civic groups, local offices, service clubs, and other interested individuals. Advisory committees for crippled children and the medical advisory committee for public assistance review the planning and program linkages. Services are delivered through local health or social service agencies or regional clinics.

The Child Development Title V Community Service Act Head Start programs are utilized in Oklahoma by two administrative groups: Oklahoma Association Community Action agencies, and Three Feathers Indian Associates and tribal groups. Observations and referrals are made to public schools and agencies for identification of handicapped children. Children *served jointly* on an IEP in Head Start programs *with* public school assistance for special needs are counted by the local public school in whose district the child resides. The public school cooperates but still retains the prime responsibility for identification and service department. Preschool Programs (Section 619 of EHA-B), local schools and Head Start programs are working closely not only to identify children with accurate diagnostic procedures in the assessment--intervention--continuum, but to utilize the modeling benefits in least restrictive environments to reduce language delays.

The Oklahoma State Department of Mental Health and Substance Abuse Services (DMHSAS) develops and maintains programs for the prevention and treatment of mental illness/substance abuse in the state. The main objectives of DMHSAS are to prevent or reduce hospitalization, deliver outpatient care near or in the patient's home and community, and continue such care as necessary. DMHSAS provides technical and professional assistance to locally-based drug and alcohol treatment centers and community mental health centers as well as to institutions and service units within DMHSAS.

A wide range of programs is designed, funded, certified, and operated to create and maintain a continuum of mental health care within the state. DMHSAS operates three full service mental hospitals located in Norman, Vinita, and Fort Supply. These three in-patient programs are mainly for adults but youth with more serious mental health problems are also accepted. DMHSAS also operates the Oklahoma Youth Center, a hospital for In Need of Treatment (INT) children. DMHSAS also operates four therapeutic homes for INT youth who do not require the more structured environment of the Oklahoma Youth Center. Oklahoma has a total of 21 community mental health centers and some satellite centers. Five major community mental health centers are part of the service continuum: Central Oklahoma Community Mental Health Center (Norman), Jim Taliaferro Community Mental Health Center (Lawton), Carl Albert Community Mental Health Center (McAlester), Eastern Oklahoma Community Mental Health Center (Tahlequah), and Northwest Oklahoma Community Mental Health Center (Fort Supply). DMHSAS also contracts with 13 private, non-profit corporations for community mental health services in Ardmore, Clinton, Enid, Muskogee, Oklahoma City (4), Okmulgee, Ponca City, Tulsa (4), Vinita and Yukon. These mental health centers serve adults as well as children and their families.

DMHSAS plans and implements programs to deal with education, prevention, treatment and rehabilitation of alcoholics and drug abusers. These programs are operated in the three state mental hospitals and in 44 treatment centers across the state. Drug and alcohol-related mental health problems are studied in terms of their effects on the health and well-being of Oklahomans. DMHSAS sets standards and certifies alcoholism/drug treatment facilities in Oklahoma.

DMHSAS provides consultation and education for mental health professionals across the state. DMHSAS has developed 11 transitional living centers for adults. DMHSAS also contracts with 16 Domestic Violence Facilities to provide services to battered women and their families.

D. Activity to Be Carried Out During the Period of the Plan

The Oklahoma State Department of Education will coordinate activities with other agencies including the Oklahoma Commission on Children and Youth to accomplish the following objectives and activities in FY 91-93.

Data and Evaluation Subcommittee Activities (Ongoing FY 91-93)

1. Design, recommend and implement a data base to count children needing identification and referral services.

2. Collect standards relating to training and service update for identification.

3. Design and recommend development of a system to measure quality of identification.

Family Subcommittee Activities (Ongoing FY 91-93)

1. Assist in organizing parents and agencies into coordinated identification, intervention and prevention teams.

2. Ensure parent education regarding services rights and responsibilities and how to obtain assistance.

3. Organize parent support, respite and transportation activities to assist parent participation in the continuum of identification and evaluation activities for program quality.

Funding Subcommittee Activities (FY 91-93)

1. Delineate state agency responsibilities for delivering and paying for service.

2. Coordinate needs for identification projects needed by communities, hospitals, clinics, schools, and others providing services.

3. Develop funding sources through multi-agency efforts for Oklahoma Areawide Service Information System to assist in network efforts and resource directory requirement needs.

4. Evaluate changes in Medicaid programs which can improve identification, referral and evaluation of at-risk and established handicapped.

5. Develop plans for follow-up from local and regional hospitals.

Personnel Standards and Training Subcommittee (FY 91-93)

1. Develop curriculum for interagency training programs that would include agency policies, mandates, services, programs, and common terms that would assist valid identification and cost effective services. (See p. 37 for an extended discussion of personnel standards.)

2. Collect all Oklahoma certification, licensing or registration requirements that apply to personnel providing early intervention and preschool services, and develop recommendations regarding how services might be improved by changes in this area.

Public Awareness Subcommittee (FY 91-93)

1. Create and distribute public awareness materials such as speaker's bureau, film library, brochures, etc.

2. Locate information about early identification in key community locations and train volunteer contacts to facilitate programming.

3. Help distribute guidelines for service accessibility.

Screening and Assessment Subcommittee (FY 91-93)

1. Develop proposed statewide screening and guidelines for child find multi-agency collaboration.

2. Design a system of local, regional, and statewide evaluation services capable of providing timely comprehensive multi-disciplinary evaluation assessing the function of all childhood developmental delays or handicaps.

E. Methods used to determine which children are and are not receiving special education include:

   a. Comparisons of child count, census, surveys, and needs assessment information;

   b. Analysis of local education agency child count data; and

   c. Parent satisfaction as exhibited by monitoring interview and absence of complaints.

F. Statewide Implementation

Local school districts' documentation of child identification procedures are monitored and reviewed within the State Department of Education's EHA-B application procedures. Complaints are investigated prior to application approval and funds disbursement.

IV. INDIVIDUALIZED EDUCATION PROGRAM

A. Under Article 13, Section 223 of Oklahoma School Law, the State Board of Education is authorized to coordinate the function of all public and private agencies providing special services to handicapped children. The *Policies and Procedures Manual for Special Education in Oklahoma* is the primary guide by which the SDE ensures that all public and private agencies meet the following requirements:

1. Each public and private agency is responsible for maintaining records of the Individualized Education Program (IEP) process for each handicapped child.

   a. Each public agency will develop and implement an IEP for each handicapped child eligible for special education services.

   b. Each public agency will review and revise each handicapped child's IEP at least annually.

   c. Each public agency will be responsible for initiating and conducting meetings to develop, review, and revise IEPs.

B. 1. When an LEA initiates placement, each eligible handicapped child must have an IEP developed by an IEP team prior to placement in a special program within the home district, another district, or in any other public or private agency, school facility, or institution.

2. When a child enrolled in a private school is declared eligible to receive special education and related services from a public agency, the *district of residence* is responsible for initiating and conducting IEP meetings with participation of a representative of the private school or facility. The *district of residence* or public agency will ensure opportunity for the private school or facility to participate.

3. Each IEP must be implemented as soon as possible following the IEP meeting. If an appropriate program (as described in the IEP) is not immediately available locally, the LEA or public agency must locate and arrange for the delivery of necessary special education and related services as soon as possible but within 30 calendar days after eligibility determination.

C. 1. Each IEP must be reviewed at least annually or more frequently if needed by a team consisting of the parents, administrative representative*, regular teacher**, special education teacher qualified in the area of the child's suspected disability, the child (where appropriate), and other individuals at the discretion of the parents or agency. (One of the team members should be the child's teacher.) Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP. IEPs may be reviewed more than once a year if the IEP team determines that a shorter interval is more appropriate to meet, review, and revise the IEP (i.e., at the end of the semester, every six weeks, etc.). In all instances, a current IEP will be in effect for each handicapped child at the beginning of each school year for continuing students and a review will be conducted at least annually.

* The administrative representative must be qualified to provide or supervise the provision of special education. This person could be either a teacher, counselor, principal, supervisor, or other administrator as long as the person serving in that capacity has the authority of the chief school officer and the local board of education to commit district resources and services. The resources and services agreed upon by the IEP team shall be provided and may not be vetoed at a higher administrative level.

** An IEP team for preschool children must include (in addition to the parent) at least a special education teacher and an administrative representative. A regular education teacher would not be required if consideration of normal development is documented either through consultation to or professional training of the special education teacher.

2. When a local education agency (district of residence) proposes the placement of a child in a program located in another district or agency, the district of residence is responsible for conducting the initial IEP meeting. A representative of the receiving school or agency should be present when the IEP is written.*

> NOTE: Once a child enters a program in another district or agency, any meeting to review or revise the child's IEP could be conducted by either the local education agency or the other district or agency. However, both districts should be represented and the district of residence remains responsible for monitoring the program to see that appropriate educational services are provided.

D. For initial evaluation and three-year reevaluation, the eligibility team must include a qualified examiner to interpret the test results for the team. Practically, it may be a team member who is knowledgeable of the evaluation procedures used and is familiar with the results. At the discretion of the parent or LEA, other individuals may be included in the IEP team.

E. Each public and private agency shall take steps to ensure that one or both of the parents of the handicapped child are present at each meeting which shall (1) include that notification be made early enough to ensure an opportunity to attend at a mutually agreed upon time and place and (2) indicate the purpose, time and location of the meeting and the team members who will be attending. In cases where neither parent can attend, alternative solutions to ensure participation could include individual or conference telephone calls, copies of letters, visits, etc. The procedures used to notify parents must include at least one personal contact of the parent documented by the local educational agency.

F. Provision must be made for interpreters or other facilitators for parental participation and to ensure parent understanding in cases where a communication barrier exists on the part of the parent. Parents shall be provided a copy of the IEP upon request.

G. On continued placement, a team meeting may be conducted without a parent in attendance if the agency can document it has been unable (using reasonable efforts) to involve the parents. However, the parent must have received proper notice. (The parent must give written permission to implement an initial IEP and placement.)

H. In circumstances where the child's parents cannot be identified, cannot be located, or is a ward of the court, a trained surrogate parent will be appointed by the LEA to assure the child's education rights are met.

I. The IEP will include:

   i. Personally identifiable information (name, district, site, date of IEP meeting, address, grade, birthdate and age);

   ii. A statement of the child's present levels of educational performance;

   iii. A statement of the child's strengths and weaknesses;

   iv. A statement of the annual goal(s) to be achieved, including short-term instructional objectives, based on the child's unique needs (strengths and weaknesses);

---

* See Addendum #1, Section III, Part M, "Out-of-District Placement" for an extended discussion of procedures to be followed by a district of residence IEP/Placement team before an eligible handicapped child is transferred for special education purposes.

v. A description of why, even with adaptations, removal from the regular environment to such extent is required;

vi. A description of specific special education and related services required to meet the child's unique needs;

vii. A list of positions or persons responsible for providing each of the services listed in the IEP;

viii. A statement of the frequency and amount of time allocated for each short term objective;

ix. Projected date for the initiation and anticipated duration of service;

x. Appropriate objective criteria and evaluation procedures;

xi. Schedules for determining, on at least an annual basis, the degree to which each instructional objective is achieved;

xii. Amount of time in regular academic class;

xiii. Statement and objective if adaptations are required in the regular class;

xiv. A description of the child's participation in physical education;

xv. A description of the child's participation in vocational education;

xvi. A description of the child's participation in vocational rehabilitation;

xvii. Written justification for those children requiring removal from regular classes, including children who require instruction in special education classes on only a part-time basis;

xviii. The date of the next IEP review meeting;

xix. All appropriate team signatures; and

xx. Statement of parent participation in the development of the IEP.

J. 1. Once an IEP has been developed, signed by all team members and implemented, significant changes in the amount of services listed cannot be made without a team meeting to review and approve suggested changes.

2. The ultimate responsibility for compliance remains that of the LEA and SDE.

V. PROCEDURAL SAFEGUARDS

A. The following procedural safeguards ensure that the requirements of 34 C.F.R. 300.500-300.514 of the Education of the Handicapped Act (EHA) are implemented by each public agency.

B. Procedures for the provision of an independent educational evaluation include:

1. Each LEA shall provide to parents, on request, information about where an independent evaluation may be obtained.
2. Parents have the right to an independent evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. (300.503.(b))
3. Hearing rights for the agency to demonstrate the appropriateness of its evaluation. (300.503(b))
4. An independent evaluation obtained at private expense must be considered by the LEA with respect to the provision of a free, appropriate, public education. This evaluation may also be presented as evidence at a due process hearing.
5. An independent evaluation must be provided at public expense if requested by a hearing officer in the course of a due process hearing.
6. Independent evaluations must meet the same criteria used by the LEA when it initiates an evaluation.

C. Written notice must be given a reasonable time before:

1. A public agency proposes to initiate or change the identification, evaluation, or educational placement of a child or provision of a free, appropriate, public education to the child.
2. An LEA refuses to initiate or change the identification, evaluation, or educational placement of the child or the free, appropriate, public education of the child.

D. Prior written parental notice must provide:

1. A description of action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take action, and a description of options the agency considered and reasons for rejection of these options;
2. A description of each evaluation procedure, test, record, or report on which the action is based;
3. A full explanation of all procedural safeguards;
4. A description of any other factors relevant to the action;
5. A notice written in a language understandable to the general public;
6. A notice provided in parents' native language or other mode of communication unless clearly not feasible to do so;
7. If the language or other mode of communication is not written, the LEA takes steps to ensure that:
    a. Translation of the notice to the native language or mode of communication is available; and

b. The parent understands the notice and there is written evidence that the requirements of this section have been met.

E. Written parental consent must be obtained before:

1. Conducting an individual evaluation (see Addendum #1, Section III, Part D).

2. Initial placement of a handicapped child in a program providing special education and related services; and

3. Except for each individual evaluation and the initial placement, parental consent is not required as a condition of any benefit to the parent or child.

F. If parents refuse to consent to an evaluation or to the initial placement, the LEA should attempt to seek resolution through individual conferences. If the parents still refuse to allow the proposed evaluation or the initial placement, the school/public agency may request a due process hearing to obtain a decision to allow the evaluation or initial placement to be conducted without parental consent. The parent must be notified of this action and the parent is entitled to all due process hearing rights. If the hearing officer upholds the LEA in a due process hearing, the LEA may act without consent.

G. The parents of a handicapped child shall be afforded an opportunity to inspect and review all education records regarding:

1. Identification, evaluation, and educational placement; and

2. The right to a free and appropriate public education.

H. The procedures implemented for an impartial due process hearing ensure that:

1. Parents, as defined at 300.10, or a local educational agency may initiate a hearing. Issues referenced by Section 504 of the 1973 Rehabilitation Act will be addressed through existing EHA-B due process procedures;

2. The hearing must be conducted by the public agency responsible for the education of the child as determined under a written policy of the state educational agency and state law;

3. The LEA shall inform the parent of any free or low-cost legal services or other relevant services if the parent or LEA initiates a hearing;

4. The hearing officer:

   a. Is not employed by an agency involved with the care or education of the child. An otherwise qualified person is not a state employee solely because he is paid as a hearing officer;

   b. Has no personal or professional involvement with either party of a hearing that may conflict with objectivity; and

   c. Is not a school board official of the LEA:

5. The SDE maintains a current list of hearing officers, appeal officers, and hearing officer trainees and their qualifications (see pp. 25-27 for the names of these persons);

6. The SDE shall make rules governing the methods to appropriately train individuals to serve as hearing officers utilizing formal group instruction, personalized individual training, and observation of actual hearings with review of hearing records;

7. Any party to a due process hearing has the right to:

    a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children;

    b. Present evidence and confront, cross-examine and compel the attendance of witnesses;

    c. Prohibit evidence not disclosed five days before the hearing;

    d. Obtain an electronic or written verbatim record of the due process hearing; and

    e. Obtain written findings of fact and decisions. The SDE will send those findings to the state advisory panel;

8. Parents have the right to have the child present and to open the due process hearing to the public;

9. Hearings conducted can be appealed to the SDE. Assignment of an appeal review officer will be made by the SDE;

10. Either party has the opportunity to appeal a hearing decision;

11. The officer conducting the review:

    a. Examines the entire hearing record;

    b. Ensures the hearing was consistent with the requirements of due process;

    c. Seeks additional evidence if needed;

    d. Gives the parties involved an opportunity for written or oral arguments;

    e. Makes an independent decision on completing the review; and

    f. Gives the parties a written copy of the findings and the decision;

    g. The decision made by the reviewing official is final unless a party brings civil action under 34 CFR 300.511;

12. Any party who does not have the right to appeal or is aggrieved by the decision of the review officer can bring civil action;

13. The SDE ensures that:

    a. A final decision is reached in the hearing (300.512(a)(1)) and a copy of the decision is mailed to the parties (300.512(a)(2)) not later than 45 days after the request for a hearing is received, unless this timeline is extended by the hearing officer in accordance with 300.512(c);

    b. A final decision is made on a request for a review 30 days after receipt of a request, unless this timeline is extended by the hearing officer in accordance with 300.512(c); and

c. Hearings and reviews involving oral arguments are conducted at a time and place reasonably convenient to the parents and the child;

d. The *burden of proof*, (i) as to the appropriateness of any proposed education plan, (ii) as to why a more normalized education plan could not adequately and appropriately serve the child's educational needs, and (iii) as to the adequacy and appropriateness of any identification, test or evaluation procedures, *will* be upon the local agency.

14. Policy regarding pendency during proceedings provides:

a. Unless otherwise agreed upon by the parties to an administrative or judicial proceeding, a child must remain in the present educational placement until completion of proceedings (300.513(a));

b. If the complaint involves an application for the initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings;

15. State policy ensures the rights of a child are protected when no parents can be identified or discovered or the child is a ward of the court; and

16. Policy for surrogate parents includes:

a. Any person whose work involves education or treatment of children, or who knows of a child possibly needing special education services and knows that the parents or guardians are not known, unavailable, or that the child is a ward of the court, should notify the child's LEA for assignment of a surrogate parent;

b. Upon determination of need, in accordance with 300.514(a)(1-3), the LEA shall appoint surrogate parents for children. Training of surrogate parents will be conducted by LEAs involved in the education of children. Written verification of completion of training shall be documented by the LEA prior to appointment of a surrogate parent to represent a handicapped child. A record of persons so appointed shall be maintained by the LEA;

c. Criteria for selection of surrogates which ensures the surrogate parent:

(1) Has no interest that conflicts with the interests of the child he or she represents; and

(2) Has knowledge and skills that ensure adequate representation of the child;

d. A person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child; and

e. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child as well as the provision of a free, appropriate, public education for the child.

HEARING OFFICERS

	WORK	**HOME**
Judy Brawner	University of Science & Arts Box 82617 Chickasha, OK 73018 (405) 521-6143 X-273	417 Quail Ridge Norman, OK 73072 (405) 364-4148
Dr. Ben Harper	East Central University Ada, OK 74820 (405) 332-8000 X-331	518 Webb Ada, OK 74820 (405) 332-4875
Susan Morris	Youth & Family Resource Center 326 W. 11th Shawnee, OK 74801 (405) 275-3340	4005 N. Pottenger Street Shawnee, OK 74801 (405) 275-4975
Dr. Camille Quinn	Tulsa Jr. College S.E. 10300 East 81st Street Tulsa, OK 74133 (918) 250-9581	15115 East 35th Street Tulsa, OK 74134 (918) 438-6880
Dr. Roy Rowland	Central State University 100 N. University Drive Edmond, OK 73034-0120 (405) 947-4327	2610 N.W. Expressway Oklahoma City, OK 73112 (405) 348-5355
Dr. Sandra Tedder	Norman Counseling Clinic 2416 Tee Circle Norman, OK 73069 (405) 360-0556	216 Pine Tree Lane Norman, OK 73032 (405) 321-1086
Dr. Rosemary Wayte	Keys Speech & Hearing Center Box 26901 Oklahoma City, OK 73190 (405) 271-4214	1422 Glenbrook Terrace Oklahoma City, OK 73116 (405) 840-1368

NOTE: A listing of the names and a statement of the qualifications of each hearing officer shall be maintained by each LEA, as distributed annually by the SDE.

APPEAL OFFICERS

	WORK	**HOME**
Dr. Charles Robert (Bob) Davis	Oklahoma State University 305 N. Murray Hall Stillwater, OK 74078 (405) 744-6036	28 Ridgewood Stillwater, OK 74074 (405) 624-9050
Larry Hawkins	USAO Box 82656 Chickasha, OK 73018 (405) 521-6143 X-241	P.O. Box 3256 Chickasha, OK 73018 (405) 224-3995
Dr. Louis Lepak, Jr.	Chem. Dependent Treatment Program-HCA Presbyterian Hospital 707 N.W. 6th Street Oklahoma City, OK 73102 (405) 524-9712	2854 Guilford Lane Oklahoma City, OK 73120 (405) 842-8142

NOTE: Complete information on the qualifications of each appeal officer is maintained by the SDE.

HEARING OFFICER TRAINEES

	WORK	HOME
Dr. Jim Gardner	University of Oklahoma Dept. of Education Psychology 820 Van Vleet Oval--Room 301 Norman, OK 73019 (405) 325-1533	2510 Acacia Court Norman, OK 73072 (405) 366-8321
Dr. Steve Ramsey	Yukon Guidance Center 1025 E. Vandament, Suite 200 Yukon, OK 73099 (405) 354-4872	4805 Wolf Lane Yukon, OK 73099 (405) 354-7406

NOTE: Complete information on the qualifications of each hearing officer trainee is maintained by the SDE.

VI. LEAST RESTRICTIVE ENVIRONMENT

A. Contained in the following section are SDE policies and procedures each public agency must follow to ensure:

That to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; and

That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

B. As required by SDE guidelines for local district plans, interagency agreements, monitoring procedures, and the SDE *Policies and Procedures Manual for Special Education* (Addendum #1, including SDE and Special Services forms for LEA documentation), each LEA, as well as all public agencies providing special services to handicapped children, will ensure the availability of a continuum of placement alternatives as shown below:

1. Regular classroom with special consultation to the regular teacher provided by a special education teacher;
2. Regular classroom supplemented by the services of an itinerant teacher;
3. Regular classroom supplemented by the services of a resource room teacher;
4. Part-time special education (i.e., services for students who require instruction in special classes, but participate with nonhandicapped students in all activities appropriate for the child);
5. Full-time special education;
6. Special day schools;
7. Homebased instruction;
8. Residential schools, or
9. Hospital school programs.

Additionally, (1) placement recommendations will include opportunity for participation in nonacademic and extra-curricular services and activities including regular or adaptive physical education; (2) All handicapped children will be educated with nonhandicapped children to the extent they can benefit from such placement; (3) All handicapped children will be served in facilities comparable to those used for the nonhandicapped.

C. For the continuum of placement alternatives listed above to be a reality, a high degree of communication between public schools and private educational institutions is necessary if all eligible handicapped children are to have access to appropriate programs in settings specified by the IEP. Under Oklahoma Statute, public school districts are the only agencies authorized to receive funds from the State Board of Education for use in serving handicapped children (Addendum #1, Section II). To allow each district sufficient latitude for full incorporation of the LRE concept into local policy and procedure, five methods are available to provide special services to handicapped children attending the public school.

An LEA may fulfill these responsibilities by:

1. The district providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard of hearing or for children who are blind or partially blind, or

4. Transferring certified handicapped exceptional children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition.

A fifth method contains two procedures a district may use to provide special services through arrangement with private institutions:

1. The first instance would involve eligible handicapped children attending a private school. Such children may gain access to a free, appropriate, public education by enrolling in the public school of residence. Special services would be provided in facilities located on a public school campus. Transportation to and from the public facility must be arranged by the parents and/or private school.

2. A second instance would involve an IEP/Placement team recommending the placement of an eligibile handicapped child in a private facility* where special services would be delivered through a contract between the public school and private institution.

D. The SDE will continue to support the following activities that in past years have provided an effective assurance that teachers, administrators, parents of handicapped children, related service personnel and other special service providers (public and private) are:

1. Fully informed of their responsibilities; and

2. Provided LRE technical assistance and training.

Information Dissemination Strategies

1. Each year, copies of the SDE *Policies and Procedures Manual for Special Education in Oklahoma* are distributed through mass mailing, conference presentations, inservice training, workshops, and interagency meetings.

2. Throughout the year presentations are made by SDE special education staff at professional conferences and parent meetings across the state.

3. During 1986, the South Atlantic Regional Resource Center developed materials for use by SEAs in implementing policies and procedures concerning LRE (e.g., "Determining Placement in the Least Restrictive Environment"). These materials continue to serve as a source of information to be disseminated by SDE staff on LRE. SDE staff will attend SARRC-sponsored training sessions

---

* Private Schools: A local board of education may contract with a state board-accredited, nonprofit, nonsectarian, private school to provide special education services and instruction to eligible "exceptional children" [Addendum #1, Section III, Part E (3c)].

on LRE, as appropriate, to enhance its efforts to provide technical assistance and inservice to schools, parents, agencies, etc. on LRE.

Technical Assistance and Training

1. The district plan of all local education agencies will be reviewed by the SDE to ensure district compliance with the LRE provisions of P.L. 94-142. Written documentation required by SDE forms to ensure that placement decisions are made in accordance with these provisions include: a listing of the supplemental aids and services used, or proposed, in the regular classroom for a child who is handicapped or suspected to be handicapped; an explanation as to why such aids and services are not used or proposed for a handicapped, or suspected-to-be handicapped child; justification as to why a child requires removal from the regular classroom, and an explanation of adaptations in the regular classroom which are/are not required for a given child in his/her IEP. Documentation is also required regarding proximity of placement, potential harmful effects of placement, maximum level of integration with nonhandicapped, and justification for separate classes/facilities. The SDE will provide extensive training workshops and inservice concerning this required documentation, as well as responding to requests for technical assistance.

E. To ensure that educational placement is individually determined and that appropriate, special education and necessary related services are provided, an individual, multi-sourced, diagnostic evaluation will assist in determining the presence of a handicapping condition that requires a modification of the regular education program.

Upon receipt of individual diagnostic data, an appropriately constituted team will meet to consider (1) the identified strengths and weaknesses of the child; (2) the nature and severity of the handicapping condition, if any, and (3) the child's eligibility for special education in accordance with SDE categorical criteria.

Next, an IEP is developed for each child determined to have an educationally handicapping condition. In selecting the setting in which services are to be delivered for a given child, the IEP team will consider the range of alternative placements to implement the IEP at a site as close as possible to the child's home or the school in which the child would normally be educated if he/she were not handicapped. Placement recommendation and IEPs will be reviewed annually. Every three years, or as necessary, a complete individual reevaluation and eligibility review occurs. Throughout the IEP process, the paramount consideration is one of insuring that special education and related services are delivered in a manner that would reduce to a minimum the potential for harmful effect on the child for the quality of service he/she receives.

VII. PROTECTION IN EVALUATION PROCEDURES

A. Under Article XIII, Section 223 of Oklahoma School Law, the State Board of Education is authorized to. . . "stimulate the efforts of all public and private efforts to. . . educate or train handicapped children and coordinate said efforts with the work and function of [all] governmental agencies." (70-13-111)

B. The State Department of Education *Policies and Procedures Manual for Special Education in Oklahoma* (Addendum #1, Section I) notes the authority of the State Board of Education to develop and submit a State Plan/application on behalf of the State as a whole. This Plan applies to all agencies providing special services to handicapped children and requires the adoption of policies and procedures consistent with the Plan.

C. To ensure consistency of evaluation procedures among all related service providers, a delineation of specific compliance requirements is included in the *Policies and Procedures Manual* (Section III-I), which is disseminated to all agencies. An additional method for insuring implementation of procedural safeguards in evaluation is through interagency agreements (Addendum #2) which stipulate adherence to all State Department of Education policies and procedures for the provision of special services to handicapped children.

D. The *Policies and Procedures Manual* (Addendum #1, Section III, Part I) prohibits the individual assessment of a child who is unable to respond to the tasks or behavior required by a test or procedure because of linguistic or cultural differences unless culturally and linguistically appropriate measures are selected and administered by qualified persons. When appropriate measures and/or qualified persons are not available, diagnostic-prescriptive education programs will be used until the child has acquired sufficient familiarity with the language and culture of the school for more formal assessment.

E. Examiners responsible for interpreting assessment information and making educational decisions will be qualified to administer various measures and to take cultural differences into account in interpreting the meaning of sets of data from the home and the school.

F. Prior to any action regarding the initial placement of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs must be conducted. All tests and other evaluation materials are administered by qualified personnel who serve on the multidisciplinary team. A range of diagnostic instruments or procedures, each of which is designed to confirm the nature and degree of areas of suspected disability, is interpreted by qualified personnel. The evaluation is made by the multidisciplinary team. No single procedure will be used as a sole criteria for determining placement.

G. When a child whose primary home language is other than English, the following criteria must be met:

1. The examiner must be fluent in both English and the primary language of the home; or
2. There is available to the examiner an interpreter fluent in the primary language of home; and
3. The tests used must contain sufficient nonverbal material to enable a valid, reliable decision to be made as to the individual's probable level of educational functioning.

H. All evaluation materials and procedures must meet validity and reliability standards. Administration instructions will be followed and all material and procedures will be administered by qualified persons under conditions which are conducive to the best performance of the child. (Addendum #1, Section III, Part I, "Specific Examiner Qualifications"). Materials will be selected and tailored to assess specific areas of educational needs. The results of assessment shall be expressed in terms of both the child's strengths and weaknesses. The assessment will be comprehensive, using a full range of available instrumentation and observations including diagnostic tests and other appropriate formal and informal measurements. Whenever intelligence tests are administered, the I.Q. score, per se, shall not be used in making references about the child's level of intelligence or learning potential. When practical, the full test (including protocols, content, subtests, etc.) should be interpreted by the qualified examiner who administered the test.

I. When a child with impaired sensory, manual or speaking skills is referred for individual assessment, diagnostic materials will be selected and administered that will generate accurate aptitude and achievement data which reflect abilities rather than emphasizing disabilities. The intent or effect of the evaluation should be the development of an educational plan for the child based on a description of his/her strengths and weaknesses. Clinicians and other personnel administering diagnostic measures will: (1) also be qualified to interpret the meaning of multiple sets of assessment data from both the school and home, and (2) assist the IEP team in making placement decisions.

J. In order to provide a comprehensive view of the child from the perspective of the school, home, and community, the following information must be obtained, considered and documented in the evaluation process and placement decision.

1. School information. Information from the school will include, but not be limited to:

    a. Comprehensive assessment of the child's educational functioning in terms of strengths and weaknesses. This will include a full range of available instrumentation, observations, diagnostic tests (aptitude and achievement), teacher recommendations, social/cultural information, and other appropriate formal and informal measurements.

    b. Assessment in all areas related to the suspected disability, including where appropriate, health, motor sensory development, hearing, vision, social and emotional status, general intelligence, academic performance, and communication status.

    c. Assessment of the child's adaptive behavior in the school setting based on observations and records, and where appropriate, the use of normed adaptive behavior scales. Children who have a speech impairment as their primary handicap may not need an adaptive behavior assessment.

    d. Social history. The history may include pertinent data such as the student's medical records, reports from other provider agencies, reports of previous evaluations and cumulative reports.

2. Home information. Information from the home will include:

    a. Normed behavior in the home, community, and neighborhood, as perceived by his parents, guardians, or principal caretakers.

    b. The sociocultural background of the family.

    c. The child's health and developmental history.

K. Responsibility for the placement of handicapped children lies with local IEP teams. Each team will be composed of persons who directly or indirectly are involved in or influence a child's educational success. Members may include the parents and their representative or advocate, various professional persons in the school, including the regular teacher, special teacher, psychologist, administrator, speech-language pathologist, student counselor, or nurse. In addition it might also be appropriate to include community-related personnel such as the social worker, minister, or family physician. The team will: (1) review the procedures, instruments, and observations used to determine the child's level(s) of functioning and behavior, (2) evaluate the appropriateness of such procedures, instruments, and observations with regard to each child's particular socioeconomic level and ethnic background, (4) establish eligibility, (3) evaluate all pertinent information about the child, and (5) make recommendations concerning the most advantageous placement possible.

L. Consideration of the continuum of possible alternative settings shown below is inherent in team deliberations regarding the formulation of placement recommendations:

1. Regular classroom with special consultation to the regular teacher by a certified special education teacher;
2. Regular classroom supplemented by the services of an itinerant teacher;
3. Regular classroom supplemented by the services of a resource room teacher;
4. Part-time special education (i.e., services for students who require instruction in special classes, but participate with nonhandicapped students in all activities appropriate for the child);
5. Full-time special education (i.e., self-contained special classes);
6. Special day schools;
7. Home-based instruction;
8. Residential schools; or
9. Hospital school programs.

M. In accordance with the *Policies and Procedures Manual for Special Education in Oklahoma* (Section III, Part M), a child who has been individually evaluated and found to be handicapped and eligible for special education will not be placed prior to the development of an IEP. This section of the *Policies and Procedures Manual* outlines the IEP process (procedures, timelines, forms, roles, and responsibilities) which are consistent with the requirements of 300.340-300.349 and 300.533(6).

N. At least annually*, all public agencies will review and revise each IEP to ensure special programs and related services are tailored to meet the changing educational needs of each child (Addendum #1, Section III, Part N). Annual review teams will decide whether the child should:

____Continue same type of service delivery
____Increase amount of time in special education programming
____Decrease amount of time in special education programming
____Return to the regular classroom full-time
____(For a newly enrolled student) Receive special education services based on team review of previous special education records and team determination of continued eligibility
____Exit from special education:
    ____Completion of a secondary program
    ____Determined not eligible (must also complete categorical)
____Explore other alternatives (description will be provided).

(See Addendum #1, Form 10, Steps IV and V.)

O. Within three years* of the date of the current individual evaluation of each child, each public agency will reevaluate all handicapped children receiving special services to obtain current performance and diagnostic data for use in determining eligibility, writing IEPs and developing placement recommendations.

*Or more frequently if needed.

VIII. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

A. General Information

The Comprehensive System of Personnel Development (CSPD) for Oklahoma for FY 91-93 includes:

1. The provision of inservice training* to general and special education instructors, related service providers, support personnel and parents, in areas as needed by a specific group;

2. Procedures to ensure that all personnel necessary to carry out the purposes of the Act are qualified** and that sufficient activities are scheduled; and

3. Procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant educational information and for adopting, where appropriate, promising educational practices and materials.

Input and Implementation

1. The primary source of input for the development, annual review and updating of the CSPD is the State EHA-B Advisory Panel. The EHA-B Advisory Panel is appointed by the State Board of Education who, in turn, selects a task force hereafter referred to as the CSPD Advisory Committee. Membership of both the panel and the committee is representative of public and private agencies, organizations, and Institutes of Higher Education (IHE) involved in the delivery of special services to handicapped children. A minimum of four meetings per year of the CSPD Advisory Committee provide each member an opportunity for direct input on the development, review, and annual updating of the CSPD.

   IHE, LEAs and other agencies desiring to implement an experimental or innovative personnel development program must meet the following criteria in order to qualify for funds:

   a. Title
   b. Purpose
   c. Specific need addressed on statewide needs assessment
   d. Indicate how activity meets this need
   e. Number and type of personnel to be trained
   f. Cost of project

   Listed below is a description of methods by which the SDE, RESCs and IHE provide resource technical assistance to LEAs and other agencies and organizations to improve planning, management, organizational or program skills:

---

* Inservice training: any training other than that received in a full-time program leading to a degree.

** Qualified personnel are assured by Oklahoma State Board of Education regulations which require personnel be certified or licensed before programs are approved for accreditation and state funding. All local public education programs are monitored by SDE Accreditation personnel to assure that only certified or licensed personnel of contracted agencies are the recipients of public funds.

- Provision of consultant services relative to training needs assessment procedures, forms, prioritizing inservice planning/conducting/evaluating
- Site visits
- Information collection, analysis and dissemination
- Production of documents and publications
- Dissemination of documents and publications
- Conducting of conferences, workshops and meetings
- Clearinghouse services
- Other types of regional and local coordination
- Records of inservice and technical assistance, provided by the SDE, are maintained in the SDE Special Education Section

B. Agency Responsibilities

Local Education Agency

LEAs are responsible for (as found in Addendum #5, "CSPD"): (1) identifying and prioritizing training, retraining and projected personnel needs through the annual needs assessment; (2) developing an annual CSPD training plan; (3) insuring the provision of inservice based on identified needs; (4) monitoring training activities; (5) developing and implementing procedures to acquire and disseminate significant educational information; and (6) annually reviewing and updating local CSPD policies and procedures.

Each local CSPD committee annually conducts a comprehensive assessment to identify and prioritize:

1. Inservice needs (Addendum #5)

   a. Training
   b. Retraining

2. Groups requiring training which may be listed as follows:

   a. Regular Teachers
   b. Special Teachers
   c. Administrators
   d. Vo-Rehab Counselors
   e. School Board Members
   f. Vo-Tech Personnel
   g. Support Personnel
   h. Parents/Guardians
   i. Related Services Personnel
   j. Community Medical Personnel
   k. Community Guidance Personnel
   l. Head Start/Day Care Center Staff
   m. Private School Administrators/Teachers

3. Content areas

4. Projected personnel needs/qualified personnel available (Special Education Data Report)

Summarized priority needs are determined and translated into specific inservice workshops, seminars, professional conferences or related activities. Planning includes the identification of:

43

1. Scope
2. Content/Nature
3. Participant Objectives
4. Participants
5. Incentives*
6. Consultant Sources
7. Time Frame
8. Funding Source
9. Retraining
10. Evaluation**

The District CSPD Training Plan is submitted to the SDE as a component of each LEA Flow-Through Application.

CSPD funding levels for 1991-93 are projected at $3.00 per counted child. This amount is consistent with state monies available to implement state mandated staff development.

The involvement of local staff is assured through local CSPD committees. Innovative practices judged to be effective by indiviudal CSPD committees are utilized where appropriate.

State Educational Agency (also see p. 75)

The State Educational Agency conducts a statewide needs assessment to determine if a sufficient number of qualified personnel are available in the state, and initiates personnel development programs based on the assessed needs of state-wide significance. Each annual program plan must include the results of the needs assessment, broken out by need for new personnel and need for retrained personnel.

The SDE continues to provide overall direction and technical assistance through statewide inservice and preservice activities.

The SDE also continues to provide technical assistance and resource information dissemination services to LEAs and other special service providers through the use of special education staff and RESCs. New training materials are continually reviewed for possible inclusion in the Inservice Training Materials Libraries. Staff are available as inservice consultants for a variety of topics (screening, diagnosis, appraisal, instruction techniques, materials selection, the IEP process, procedural safeguards, program evaluation, parental involvement and training in designing inservice programs).

Training resource data is continually updated to provide a current listing for consultants involved in personnel preparation.

Institutes of Higher Education

The primary function of IHE is the timely preparation of the required number and type of special and general educational personnel needed by LEAs and other service agencies and organizations to ensure the continuance of full-service programs and services for handicapped children. A second function of IHE is to provide inservice designed to improve skills levels and retraining opportunities to develop new skills for personnel assuming new roles/responsibilities. A third function is the development of instructional techniques/materials, and dissemination to both preservice and inservice trainees.

Given the structure and interrelationship of educational systems in Oklahoma, preservice planning is accomplished by the State Board of Regents for Higher Education. Preservice personnel needs data provided the SDE by LEAs through the Special Education Data Report are summarized and made available to IHE, the Teacher Education and Accreditation Sections of the SDE and other consumers.

---

* Incentives could include release time, payment for participation, option for academic credit, certification renewal, or updating professional skills.

** An evaluation will be completed following each inservice activity to determine effectiveness. (A sample form is found on p. 41.)

C. Dissemination and Adoption

1. Strategies from the following list are implemented where appropriate by the SDE, CSPD coordinator, other special education coordinators, RESC and LEA staff to acquire, review, and disseminate significant educational information derived from educational research, demonstration, and other projects:

   Purpose: To make special service personnel aware of current significant information and "best practices."

   Information Acquisition (sources):

   - State, regional or national clearinghouses
   - Instructional materials centers
   - Regional resource centers
   - State, regional or national dissemination networks

2. Information Review:

   - Use of results of validation by other agencies or organizations
   - Development or adaptation of criteria and procedures for review
   - Establishment of review teams or use of existing review panels

3. Dissemination to identified populations:

   - State, local, regional or national dissemination projects
   - Conferences and meetings
   - Mailings (newsletters, bulletins, etc.)
   - Regional networks
   - Inservice training to prepare personnel for adoption of effective innovative practices
   - Use of instructional material/media for personnel development and instructional programming.

District plans are required to contain a procedure whereby local CSPD plans may include the adoption of promising educational practices and materials proven to be effective through research and demonstration.

D. Personnel Standards (also see pp. 76-77)

1. Policies and procedures of the State Board of Education insure that personnel necessary to implement EHA-B are appropriately and adequately prepared and trained.

2. Personnel Standards are established by the State Board of Education, as advised by the Professional Standards Board (PSB) which was created by the Oklahoma Legislature. The PSB is charged with such responsibilities as reviewing approved programs of teacher education and of recommending new programs, reviewing current certificates and licensing requirements, and recommending standards for new certificates. (Oklahoma Statute 70-6-125)

3. The State Board of Education, by regulation, assures that no board of education of any accredited school shall enter into any written contract with a teacher who does not hold a valid Oklahoma license/certificate. In addition, in order to obtain a standard certificate or license to teach in the

public schools of Oklahoma, a person must satisfactorily complete a course of two or more semester hours in the education of the exceptional child. (Oklahoma Statute 70-6-128)

4. Personnel standards of the State Board of Education are the standards for all service providers implementing this plan. For standards not based on the highest standard applicable to a profession or discipline (300.153 (c), the following discussion is provided:

   The Personnel Training/Standards Committee, with a membership representing nurses, audiologists, Higher Education, nutritionists, occupational therapists, physical therapists, physicians, social workers, special education teachers, speech/language pathologists, psychologists and parents, identifies strategies to achieve immediate training and retraining goals.

   The Personnel Training/Standards Committee and Task Force functions under the guidance of the Interagency Coordinating Council (ICC) and reports monthly to the Policy Committee, council members, and other interested persons attending the council meeting. Minutes of the meeting are mailed out to an extensive interagency mailing list. The publication *"Oklahoma Licensure/Certification and State Agencies' Requirements for Personnel Providing Services to Handicapped Children* was given to all council members and is available to personnel within the Department of Education, Department of Human Services, Department of Mental Health and Substance Abuse Services, and the Department of Health.

   An ICC annual report(December 1989) was submitted and a copy provided to the membership which outlined activities of each committee during 1989.

   To meet the amendments of P.L. 99-457, the Personnel Training and Standards Committee was appointed by the ICC to study and develop policy and guidelines in Oklahoma for training. P.L. 99-457 specifies that services to handicapped infants and toddlers (birth to 3 years of age) and families be provided by multidisciplinary teams composed of qualified personnel, including special educators, speech/language pathologists and audiologists, occupational therapists, physical therapists, psychologists, social workers, nurses, and nutritionists.

   One of the first initiatives and tasks completed by the committee was the recommendation for the study "Oklahoma Licensure/Certification and State Agencies' Requirements for Personnel Providing Services to All Handicapped Children prepared by Martha Ferretti, M.P.H., P.T. and Leslie Hudson, M.P.H., P.T. (December 13, 1989). These are available upon request.

   A recommendation and current activity of the Personnel Training and Standards Committee is the development of a position, Personnel Specialist, who will work with the requests of higher education to develop a plan for improving personnel training and standards in Oklahoma.

   The Personnel Specialist will be involved in the development of a system which will: (1) provide for preservice and inservice training to be conducted on an interdisciplinary basis to the extent appropriate; (2) provide for the training of a variety of personnel needed to meet the requirements of this part, including public and private providers, primary referral sources, paraprofessionals, and persons who will serve as case managers; and (3) ensure that the training provided relates specifically to: a) meeting the interrelated psychosocial, health, developmental, and educational needs of eligible children under this part, and b) assisting families in enhancing the development of their children, and in participating fully in the development and implementation of Individual Family Service Plans (IFSPs).

5. Personnel retrained or hired to provide special education or related services must meet the certification requirements of the State Board of Education.

6. To qualify as an instructor of exceptional children, a teacher must hold a valid special education teacher's certificate. Special education teachers of handicapped students must be certified in the disability area of the students for which they design and monitor and IEP.

7. Currently, Oklahoma has twelve areas of license/certification for personnel providing special education or related services. These areas include: emotionally disturbed, hearing impaired, learning disabled, mentally handicapped, physically handicapped, visually impaired, speech/language pathology, occupational therapy, physical therapy, school nurse, school psychologist, and school psychometrist.

E. Recruitment

During the past few years, Oklahoma has been experiencing a shortage of qualified special education and related services personnel. Data reports indicate that the supply of qualified personnel continues to decrease while the demand for such continually increases.

The State Department of Education, Special Education Services has made effort to alleviate this problem by: 1) maintaining constant communication with the Institutes of Higher Education with approved training programs; 2) providing stipends for persons pursuing certification in special education; and 3) funding a special committee to assess the special education personnel needs in Oklahoma and gather data regarding recruitment and retention from other states.

Additionally, the Oklahoma Legislature has proposed the creation of a Teacher Recruitment Center whose purpose would be to divert the serious crises of disproportionate minority mix among our public school classroom teachers.

The SDE maintains communication by, annually providing the Institutes of Higher Education with copies of the Special Education Data Report as mandated by P.L. 98-199. This data enables them to justify the addition or continuation of courses required for certification in a given area.

Inservice is another way in which communication between the IHE and the SDE is facilitated. IHE special education faculty are invited periodically to inservices designed especially to keep them abreast of current policy for special education in Oklahoma.

In turn, various IHE special education faculty are invited to act as consultants for the SDE in striving to keep public school educators and parents informed about current trends and issues in special education.

Finally, the SDE is often requested by IHE faculty to assist in the preservice training of special education teachers by addressing specific topics that are or will be relevant to them in the field of special education.

In 1988, the SDE began utilizing Part D grants to provide incentive, through stipends, for persons to pursue certification in special education.

At the beginning of each grant cycle, the EHA-B State Advisory Panel advises the SDE on which areas of certification will be listed as in need of qualified personnel and which geographic regions are most critically in need of qualified personnel. Typically, the focus has been on the rural areas; however, within the last year, the shortage has impacted districts in all localities.

Prior to the mailing of applications for stipends, IHE are informed of which areas of certification will be listed as in critical supply. This allows the institutes to plan their coursework so as to help meet the demands of certification requirements.

Applications are mailed to every school district. Districts are encouraged to share the information with all interested parties but especially to those willing to retrain in a special education area or those functioning under temporary or provisional certification.

Upon receipt of applications, recipients are selected by the EHA-B State Advisory Panel on the basis of area of certification being pursued and geographic location. The selected recipients are then recommended to the State Board of Education for final approval.

Through continued federal funding via Part D grants, the SDE anticipates continuation of this program so as to assist in maintaining the supply of qualified special education personnel.

Finally, in 1989, through CSPD funds, the SDE funded a special project designed to survey and examine the special education personnel needs in Oklahoma's school districts. The project will also survey other states regarding recruitment and retention practices.

Results from these two surveys will be used to develop a recruitment program that can be used as a model by teacher training programs.

Catchment areas will be established for each regional training institution for the purpose of recruitment and preservice/inservice training within this project. The project also allows for small incentive stipends to be offered by each training institution.

The Teacher Recruitment Center, if funded, would provide for: 1) enhancement of the teaching profession through establishment of a teacher cadet program, targeting high school and junior high students; 2) implementation of statewide standards for effective multicultural teacher training; and 3) recruitment, retention and placement of minority teachers across the state, especially in certification areas of critical shortage.

EVALUATION OF INSERVICE WORKSHOP
SPECIAL EDUCATION SECTION
OKLAHOMA STATE DEPARTMENT OF EDUCATION

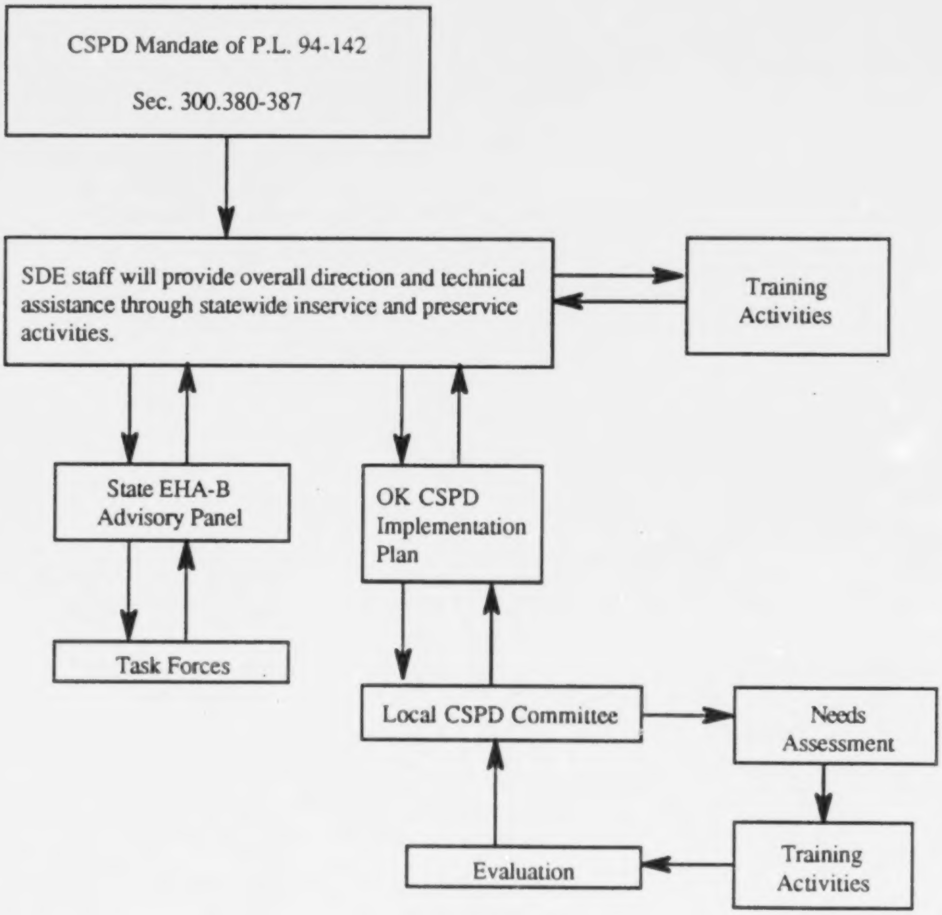
Title of Workshop ____ Date ________________

1. Organization of the workshop was:	Excellent						Poor
	7	6	5	4	3	2	1
2. Objectives of the workshop were:	Clearly Evident						Vague
	7	6	5	4	3	2	1
3. Presentations and discussions were:	Very Practical				Too Theoretical		
	7	6	5	4	3	2	1
4. Methods used in the workshop were:	Excellent						Poor
	7	6	5	4	3	2	1
5. Ideas and activities presented were:	Very interesting						Dull
	7	6	5	4	3	2	1
6. Putting the ideas presented into practice will be:	Easy						Difficult
	7	6	5	4	3	2	1
7. Work of the consultant was:	Excellent						Poor
	7	6	5	4	3	2	1
8. The coverage was:	Very adequate						Inadequate
	7	6	5	4	3	2	1
9. Overall, I consider this workshop:	Excellent						No Benefit
	7	6	5	4	3	2	1

What did you like best about this workshop?

What did you like least about this workshop?

What suggestions do you have for future workshops?


CSPD Mandate of P.L. 94-142
Sec. 300.380-387
SDE staff will provide overall direction and technical assistance through statewide inservice and preservice activities.
Training Activities
State EHA-B Advisory Panel
OK CSPD Implementation Plan
Task Forces
Local CSPD Committee
Needs Assessment
Evaluation
Training Activities

IX. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

A. Each LEA will provide assurances to the SDE that special education and related services are available to meet the needs of eligible private school children in its jurisdiction.

B. To the extent consistent with their number and location in the state, LEAs will provide for participation of private school handicapped children in the programs assisted or carried out under this part by providing these children with special education and related services.

Responsibility of a State and a Grantee

C. The SDE will be responsible for ensuring the following:

1. Each LEA will provide students enrolled in private schools with genuine opportunities for equitable participation in appropriate special education by utilizing dual enrollment.
2. The LEA will provide the above opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs.
3. The LEA will maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.
4. The SDE will ensure that each LEA complies with these requirements.
5. If the SDE carries out a project directly, it assures it shall comply with the requirements in the same manner as an LEA.

D. Consultation with Representatives of Private School Students

1. The SDE ensures that an LEA applicant for a subgrant will consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of:
    a. Which children will receive benefits under the project;
    b. How the children's needs will be identified;
    c. What benefits will be provided;
    d. How the benefits will be provided; and
    e. How the project will be evaluated.
2. LEAs shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.
3. The applicant or subgrantee LEA shall give the appropriate private school representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in Sections D (1 and 2) of this portion of the State Plan.

E. Needs, Number of Students, Type of Services

1. The SDE ensures that LEAs shall determine the following matters on a basis comparable to that

used by the LEA in providing for participation of public school students:

a. The needs of students enrolled in private schools;

b. The number of those students who will participate in a project; and

c. The benefits that the LEA will provide under the program to those students.

2. Benefits for Private School Students

The SDE ensures that the program benefits that an LEA provides for students enrolled in private schools must be comparable in quality, scope, and opportunity for participation to the program benefits that the LEA provides for students enrolled in public schools.

3. If an LEA uses funds under a program for public school students in a particular attendance area, or grade or age level, the LEA shall ensure equitable opportunities for participation by students enrolled in private schools who:

a. Have the same needs as public school students to be served; and

b. Are in that group, attendance area, or age or grade level.

4. If the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, an LEA shall provide program benefits for the private school students that are different from the benefits the LEA provides for the public school students.

F. Level of Expenditure

1. The SDE ensures that subject to Item G of this section of the State Plan an LEA shall spend the same average amount of program funds on:

a. A student enrolled in a private school who receives benefits under the program; and

b. A student enrolled in public school who received benefits under the programs.

2. The LEA shall spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of those students is different from the average cost of meeting the needs of students enrolled in public schools.

G. Information in an Application for a Subgrant

1. The SDE ensures that an applicant for a subgrant shall include the following information in its application:

a. A description of how the applicant will meet the federal requirements for participation of students enrolled in private schools;

b. The number of students enrolled in private schools who have been identified as eligible to benefit under the program;

c. The number of students enrolled in private schools who will receive benefits under the program;

d. The basis the applicant used to select the student;

    e. The manner and extent to which the applicant complied with the previous section on consultation;

    f. The places and times that the students will receive benefits under the program; and

    g. The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

H. Separate Classes Prohibited

1. The SDE ensures that an LEA may not use program funds for classes that are organized separately on the basis of school enrollment or religion of the students if:

    a. The classes are at the same site; or

    b. The classes include students enrolled in public schools and students enrolled in private schools.

I. Funds Not to Benefit a Private School

1. The SDE ensures that an LEA may not use program funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

2. The LEA shall use program funds to meet specific needs of handicapped students enrolled in private schools, rather than:

    a. The needs of a private school; or

    b. The general needs of the students enrolled in a private school.

J. Use of Public School Personnel

1. The SDE ensures that where consistent with state and federal law an LEA may use program funds to make public personnel available in other than public facilities:

    a. To the extent necessary to provide equitable program benefits designed for handicapped students enrolled in a private school; and

    b. If those benefits are not normally provided by the private school.

K. Use of Private School Personnel

1. The SDE ensures that an LEA may use program funds to pay for the services of an employee of a private school if:

    a. The employee performs the services outside his or her regular hours of duty; and

    b. The employee performs the services under public supervision.

L. Equipment and Supplies

1. The SDE ensures that an LEA must keep title to and exercise continuing administrative control of all equipment and supplies that the subgrantee acquires with program funds.

2. The LEA may place equipment and supplies in a private school for the period of time needed for the project.

3. The LEA shall ensure that the equipment or supplies placed in a private school:

   a. Are used only for the purpose of the project; and

   b. Can be removed from the private school without remodeling the private school facilities.

4. The LEA shall remove equipment or supplies from a private school if:

   a. The equipment and supplies are no longer needed for the purposes of the project; or

   b. Removal is necessary to avoid use of the equipment or supplies for other than project purposes.

M. Construction

The SDE ensures that an LEA shall ensure that program funds are not used for the construction of private school facilities.

X. PLACEMENT IN PRIVATE SCHOOLS

A. SDE policies and procedures allow for the placement of eligible handicapped children in accordance with an Attorney General's opinion which stipulates that contracted arrangements would be authorized and legal under the laws of the State of Oklahoma for placement of exceptional children in State Board of Education *accredited, nonprofit, nonsectarian private schools* by a school district's governing board of education in order to meet the legal duty of the agency to provide such exceptional children with a necessary and appropriate public school education subject to applicable rules and regulations of the State Board of Education. The applicable regulation by the State Board of Education in this regard is that the school shall be accredited in accordance with the rules and regulations for accreditation of private, nonprofit, nonsectarian schools in Oklahoma prior to placement of exceptional children by IEP teams on behalf of the governing boards of agencies.

If handicapped children are placed in or referred to private schools or facilities by an agency, the SDE assures supervision of the agency placement. It shall be the responsibility of an agency choosing such placement to carry out the statutory requirements that exceptional children in a private school/facility placement will be provided free, appropriate special education and related services. The special and related educational services provided will be:

1. In conformance with an IEP;

2. At no expense to parents; and

3. In a school or facility that meets SDE standards.

B. If a handicapped child has available a free, appropriate, public education in the least restrictive environment provided in or through the agency, yet the parents choose to place the child in a private school or facility, the public agency is not required to pay for the child's education at the private school or facility.

C. Matters of disagreement between parents and agencies about the availability of appropriate services shall become a matter subject to due process in regard to financial responsibility and other aspects of P.L. 94-142 to which due process procedures apply.

D. The SDE assures that a child placed in a private school or facility by the agency shall have all the rights he or she would have if educated in a public school setting.

E. The SDE will make available to private schools and facilities through the public agency a copy of current state standards including, but not limited to, the *Policies and Procedures Manual for Special Education in Oklahoma*, the *Administrator's Handbook* (blue book), and copies of compliance monitoring documents. SDE technical assistance will be available upon request or upon the identification of a noncompliance issue.

F. Private school personnel from State Board of Education accredited, nonprofit, nonsectarian schools in which a handicapped child is placed for special education services will be given the opportunity to participate in the revision of state standards by the SDE.

XI. RECOVERY OF FUNDS FOR MISCLASSIFIED CHILD

A. State Policy

1. The SDE will seek to recover any funds made available under Part B or P.L. 89-313 for services to any child determined to be erroneously classified as eligible to be counted.

B. Procedures for Recovery

1. Process

a. If at any time during the project period it becomes questionable that payments have been made for misclassified students, an investigation will be conducted by SDE representatives.

b. If school districts are not eligible for EHA-B or 89-313 monies, a claim will be filed by the SDE to recover the portion of money that the district received.

2. Monitoring to Determine Misclassification

a. SDE monitoring teams will verify the comprehensive evaluation of handicapped children and their actual placement to ensure that the students are appropriately identified and placed in accordance with P.L. 94-142 and SDE standards. The qualification of examiners are also reviewed by the monitoring teams to ensure proper certification or licensure.

XII. HEARING ON LEA APPLICATION

A. Application Procedures

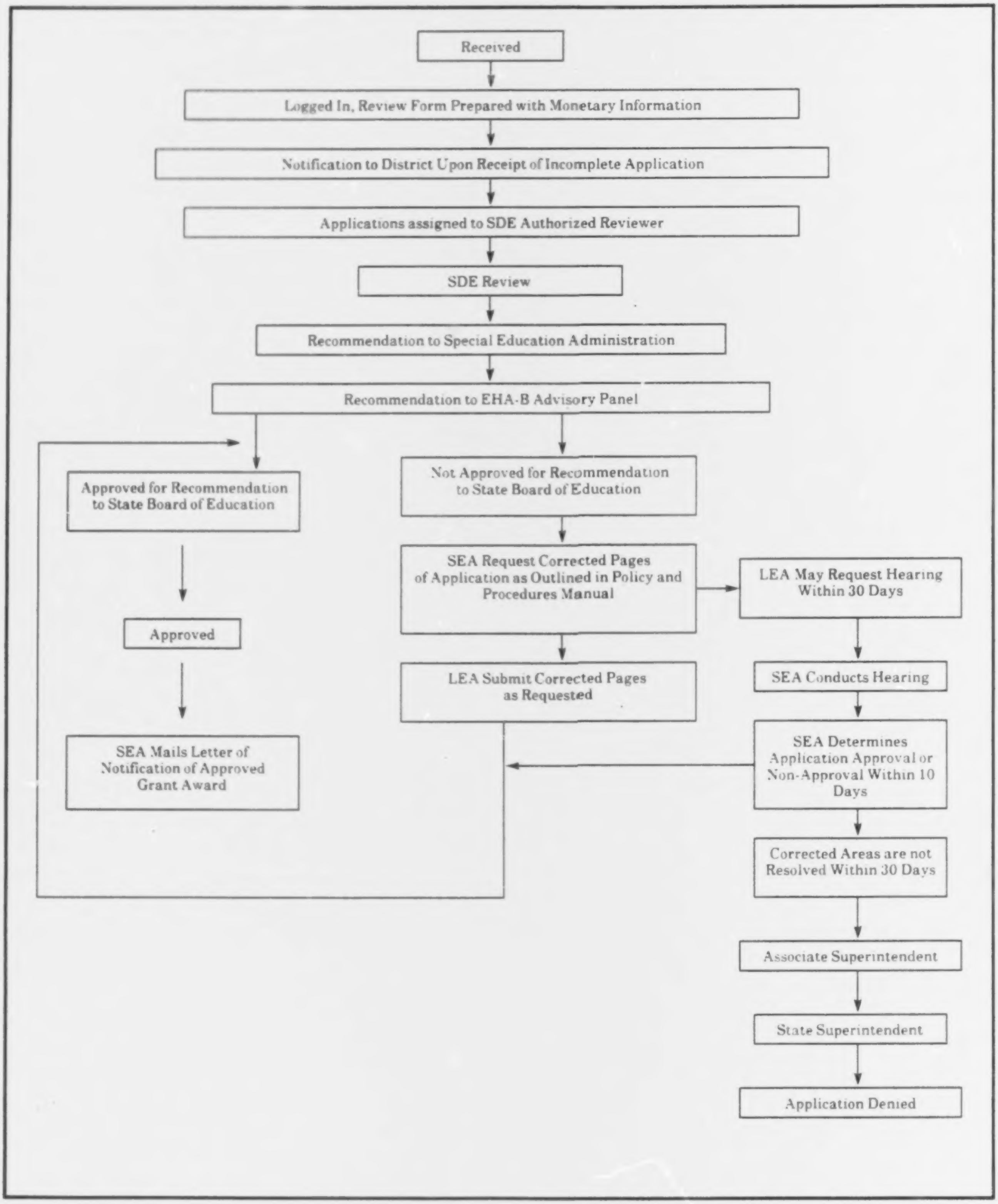
Application forms for EHA-B funds are mailed to each LEA during April of the preceding year. The completed application is then submitted to the SDE by the LEA for review and action.

B. Procedure in Case of Application Denial

1. If there are minor clarifications on the application or several noncompliance areas noted, a letter indicating nonapproval status and listing areas of noncompliance will be sent to the LEA.
2. If needed, an appointment will be set up with the LEA and SDE to clarify application components and/or other information which is delaying approval on the project application.
3. The Special Education Section staff will review the corrected application and information provided, and may or may not recommend the project for approval.
4. If the application is NOT recommended for funding, a letter will be sent to the LEA stating the reasons for nonapproval. An LEA may request a hearing within 30 days (refer to EHA-B Application Review Process Chart which follows).

EHA-B APPLICATION REVIEW PROCESS

Flow-Chart


Received
Logged In, Review Form Prepared with Monetary Information
Notification to District Upon Receipt of Incomplete Application
Applications assigned to SDE Authorized Reviewer
SDE Review
Recommendation to Special Education Administration
Recommendation to EHA-B Advisory Panel
Approved for Recommendation to State Board of Education
Not Approved for Recommendation to State Board of Education
SEA Request Corrected Pages of Application as Outlined in Policy and Procedures Manual
LEA May Request Hearing Within 30 Days
Approved
LEA Submit Corrected Pages as Requested
SEA Conducts Hearing
SEA Mails Letter of Notification of Approved Grant Award
SEA Determines Application Approval or Non-Approval Within 10 Days
Corrected Areas are not Resolved Within 30 Days
Associate Superintendent
State Superintendent
Application Denied

XIII. ANNUAL PROGRAM EVALUATION

Evaluation provides educators with information needed to improve educational practices. The SEA encourages special education program review, analysis and improvement. Evaluation is a tool through which special education becomes an integral part of the total school programs.

All special education programs are evaluated annually to determine if prescribed procedures are followed with regard to identification, eligibility and implementation of effective programming for handicapped children. This evaluation is conducted by independent auditors through the A-102 Audit Form.

The contents of selected confidential folders will be reviewed to determine the degree to which LEA procedures conform to SDE requirements. In particular, SDE Form No. 10 (Review of Placement/IEP) will provide the data to substantiate the effectiveness of programming for handicapped children.

Audit exceptions (which in some instances may reflect ineffective programming) are reported by the independent auditors to the SDE. The SDE provides technical assistance to correct the exception.

Each public agency shall establish and document procedures for determining program effectiveness, to be completed at least annually. Program effectiveness indicators may include:

A. Philosophy, Policies, and Procedures

   1. LEA philosophy and priorities
   2. Overall program policies and procedures
   3. Student policies and procedures
   4. Parent and community involvement policies and procedures
   5. Program planning, coordination, communication, policies and procedures
   6. Personnel policies and procedures
   7. Program evaluation policies and procedures

B. Resource Allocation

   1. Funding and fiscal procedures
   2. Staff resources
   3. Related services
   4. Instructional resources
   5. Facilities

C. Staffing and Leadership

   1. Staff characteristics, attitudes, and relationships
   2. Staff development
   3. Program and instructional leadership

D. Parent Participation and Community Involvement

   1. Parent participation
   2. Community and interagency involvement

E. Instruction

   1. The instructional program
   2. Instructional planning
   3. Instructional time

4. Instructional practices
5. School and classroom climate

F. Student Performance, Competencies, Behaviors, and Attitudes

1. Attendance, suspension, dropout, completion rates
2. Achievement
    a. academic
    b. vocational
    c. self-help, social

G. Satisfaction

1. Students
2. Parents
3. School staff (teachers, administrators, etc.)
4. Employers
5. School Board and community

H. Post School Outcomes

1. Post secondary schooling
2. Employment
3. Income
4. Integration/LRE

The regional accreditation officers shall review the program effectiveness documentation at the annual school accreditation visitation. During the annual school accreditation visitation, regional accreditation officers of the SDE complete the Annual Effectiveness Program Evaluation form (p. 54) and review selected confidential folders containing IEPs and Review of Placement/IEP forms. Regional accreditation officers' reports are submitted to the administrators of the Accreditation/Special Education Sections. If problem areas in programming or the IEP process are identified, the Special Education Section provides technical assistance to aid in program effectiveness.

Exemplary programs will be identified and responsible public agencies shall be informed of successful special education practices through the dissemination of information.

Regional accreditation officers annually measure the effectiveness of IEPs through the following steps:

1. Insuring that each eligible handicapped child has an IEP complete with signatures or prior notice documentation developed through the team process;

2. Reviewing child data recorded on the IEP, and educational performance levels and objectives achieved over a period of five years (where applicable); and

3. Reviewing the proceedings of an annual IEP team meeting, as documented by the completion of SDE Form No. 10 (Review of Placement/IEP), which will examine the child's performance during the time the child received the services specified by the IEP. The child's degree of achievement of short term instructional objectiveness will measure the effectiveness and appropriateness of the IEP.

Annually, the SDE shall assess the time and resources needed to conduct annual program evaluations. Procedures will include the following steps:

1. Independent auditors shall submit to the SDE the agencies to be reviewed and time spent at these agencies to complete program evaluation through the A-102 Audit Form;
2. Regional accreditation officers shall complete an Individual Time Sheet (p. 55) and submit it to the SDE in completion of duties along with the Annual Program Effectiveness Evaluation; and
3. The SDE shall review the auditors' report, regional accreditation officers' time sheet totals, and financial records of these activities.

The SDE shall exchange the results of program evaluation documentation with affected SDE sections to facilitate appropriate policy through the following procedures:

1. The results of the program evaluation shall be submitted to the Accreditation, Auditing, and Federal Programs Sections, and to the Associate and State Superintendents; and
2. The SDE may convene the above sections (or others as applicable) to determine resource development.

STATE DEPARTMENT OF EDUCATION
Special Education Services

ANNUAL PROGRAM EFFECTIVENESS EVALUATION

School District or Agency ______________________________

County ______________________________

Date of Visitation ______________________________

1. Does the agency have documentation to show it is determining program effectiveness annually?

   If not, are procedures being developed?

2. Based on observation of a random sample, does the agency provide each eligible handicapped child an IEP complete with signatures or other documentation?

3. Were IEP objectives achieved over a period of time?

4. For age appropriate students, do objectives reflect consideration and planning for transition to post secondary placement? (For example, work place, college, sheltered workshop, group home, etc.)

5. Based on observation of a random sample, do annual reviews document a change in performance levels?

6. Describe areas of strengths representing an exemplary program:

7. Describe program weaknesses needing policy or resource development:

______________________________ School Administrator

______________________________ Regional Accreditation Officer

When completed, please return this report to the State Director of Special Education.

INDIVIDUAL TIME SHEET

Regional Accreditation Officer
State Department of Education-Record of Hours Worked Daily
Special Education

For the month of ____________ 19____

Days of the month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Hours Worked																															
Work Activity																															
Location																															

For the month of ____________ 19____

Days of the month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Hours Worked																															
Work Activity																															
Location																															

For the month of ____________ 19____

Days of the month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Hours Worked																															
Work Activity																															
Location																															

CODE:

Work Activity:
A-Monitoring
B-Program Effectiveness
C-Technical Assistance

Location:
1-LEA
2-Field Office
3-State Department

Signature ____________________ Date ____________

XIV. ADDITIONAL REQUIREMENTS

A. Responsibility of the SDE for All Educational Programs

1. To ensure that each public agency complies with the requirements of P.L. 94-142 and amendments, the SDE has established interagency agreements with state agencies providing special education or related services. Implicit in such agreements and memoranda of understanding is the authority of the SDE to coordinate the delivery of special education and related services in accordance with the requirements of the Education of the Handicapped Act. Provisions for coordination of services through interagency agreements are addressed in Oklahoma Statutes: 1988 Oklahoma School Law and 1989 Supplement--Special Education for Exceptional Children, Article XIII inclusive.

2. All educational programs for handicapped children administered within the state, including those administered by other public agencies, are under the general supervision of SDE persons responsible for these educational programs. (Oklahoma School Law 1988--State Board of Education Powers and Duties, Article III, Section 34. (70-3-104))

3. The educational standards and requirements of the SDE are ensured through comprehensive program monitoring and interagency agreements. Monitoring procedures are described in Section XIV (B) of this State Plan. Interagency agreements are found in Addendum #2. Authority to determine and prescribe requirements for special education of exceptional children is provided in 1988 Oklahoma School Law--Special Education for Exceptional Children, Article XIII, Section 217. (70-13-105)

4. In monitoring compliance of responsible public agencies with federal requirements and state educational standards, the SDE provides to such agencies a written report of identified deficiencies, corrective actions necessary for compliance, and timelines for completion of corrective actions. The affected agencies are provided notification of their right to a fair hearing for the purpose of challenging a cited area of deficiency or required corrective actions. Technical assistance is provided when necessary to facilitate implementation of corrective action and cooperative efforts are encouraged in implementing corrective actions. Failure to correct identified deficiencies within reasonable timeframes may result in various actions: withholding or recovery of funds; nonapproval of applications for EHA-B monies; suspension or loss of accreditation; and other procedures or sanctions provided for in state or federal laws and interagency agreements.

5. The SDE provides technical assistance, inservice training, and conducts dissemination activities to assure that public agencies providing special education or related services are informed of the state and federal requirements for serving handicapped children.

6. Program effectiveness is evaluated annually. For a discussion of annual program evaluation, see Section XIII of this Plan.

Interagency Agreements

1. The SDE coordinates efforts of responsible public agencies and LEAs in providing services to handicapped children through the use of interagency agreements and contracts between agencies as provided in state law (Addendum #2). (74-31-1001 et. seq. and 70-13-105)
2. The financial responsibilities of LEAs and public agencies providing special education and related services to handicapped children may be outlined by state law, interagency agreements, and contracts between agencies. Coordination of these efforts by the SDE facilitates the provision of free appropriate public education with delivery of governmental services at nominal cost to school districts.
3. Any disagreements between public agencies may be resolved through cooperative efforts by agency administrators, grievance methods specific to individual agencies, procedures outlined in the interagency agreements, contractual arrangements, or provisions of law and state government.
4. Procedures to secure reimbursement from other agencies may be provided in any relevant agreements or contracts for services between LEAs and agencies. Any procedures not addressed in such agreements may be determined through legal action if necessary.
5. Implementation of interagency agreements for the provision of special education and related services is coordinated by the SDE. Current agreements between responsible state agencies are provided in the Addenda. Public agencies participation in these agreements may include but not be limited to Department of Human Services, Department of Health, Department of Mental Health and Substance Abuse Services, Department of Vocational and Technical Education, SDE, and LEAs. Such agreements are reviewed and updated as necessary at the participating agencies' mutual discretion, and as required by any state mandates.

B. SDE Monitoring Procedures

Each LEA will submit annually, through Part I of the LEA application, a list of all public/private agencies, institutions, and organizations within the boundaries of the school district which are responsible for providing special education programming. Based on this information, the SDE will conduct annual on-site comprehensive monitoring of approximately one-third of all LEAs and agencies within that district. In addition, specific LEA documents will be monitored off-site.

SDE monitoring procedures will document the following:

1. The effectiveness of procedures undertaken to identify, locate and evaluate handicapped children (300.128(a)(5));
2. Implementation of IEPs (300.130(b)(2));
3. Compliance with procedures for placing handicapped children in private schools (300.402(a)); and
4. Placement of handicapped children to assure that the requirements of 300.500-300.555 are met (300.556), as well as applicable state and federal requirements.

Documentation of compliance in these areas will be accomplished in the process of completing Addendum #6 which is the SDE revised and expanded monitoring instrument. This instrument will be completed utilizing pre-site and on-site information. Specific criteria will be reviewed to determine systemic areas of non-compliance.

Enforcement of any obligations imposed on agencies, institutions and organizations responsible for carrying out special education programming will be implemented as outlined in "Responsibility of SDE for All Educational Programs" component of the 1991-1993 State Plan (Section XIV-A).

An agency is entitled to an opportunity for a hearing with respect to identified deficiencies within ten days of the evaluation report.

Follow-Up/Corrective Action Plan

An agency will be required to submit corrective actions to the SDE within 30 days of receipt of the written monitoring evaluation-corrective action report. This corrective action plan will include a description of the steps which provides for:

a. Elimination of any past effects of a deficiency;

b. Prevention of any similar deficiency in the future;

c. Description of each action the agency will take to correct identified deficiencies and achieve future compliance, including adequate inservice training where appropriate (indicating dates, topic(s) and attendees);

d. Documentation to verify the initiation and completion of those actions needed to assure correction of current deficiencies and prevention of future ones; and

e. The time frame for achieving full compliance.

The agency's corrective actions are subject to approval by the SDE. Where necessary, technical assistance will be provided to agencies to aid in implementation of the plan. Verification of the corrective actions of the agency will occur in a variety of ways, depending upon the nature of the deficiencies. Some examples may include:

- contact with agency administration
- continuous contact with SDE technical assistance staff
- follow-up on-site visitation by SDE personnel
- final report submitted by agency to officials

Enforcement

Sanctions for failure to correct an identified deficiency(s) will be determined by the SDE and shall be based upon the individual area of noncompliance. The time periods in which these sanctions will be imposed shall be at the discretion of the SDE. These sanctions may include possible delay in (1) the release of federal funds, and (2) district accreditation by the SDE.

C. Policies and Procedures for Use of Part B Funds

1. The Education of the Handicapped Act-Part B provides increased funds for special education and related services for local education agencies through the State Department of Education.

2. At least 75 percent of the funds awarded to the state by the Department of Education are awarded to local education agencies on a flow-through basis upon receipt of an approvable LEA application. Flow-through funds are awarded through a formula based on the number of handicapped children counted as served on December 1.

3. Twenty-five percent of the state grant may be retained at the SDE to implement the EHA-B State Plan. Of this twenty-five percent, twelve percent will be available to implement Oklahoma's Comprehensive System of Personnel Development and five percent will be used for administrative costs incurred through SDE implementation of the Act.

   There will be no change in the use of Part B funds for monitoring and complaint investigation.

D. Additional Information if SDE Provides Direct Services

N/A

E. Implementation Procedures-SDE

1. As required by Section 300.600 (SDE Responsibility for All Educational Programs), agencies serving handicapped children must meet all the provisions of P.L. 94-142 as adopted by the State Board of Education through its approval of the EHA-B State Plan. Among the many requirements special service providers must address are the rights of handicapped children and their parents. This is accomplished through the inclusion of a strong procedural safeguards component in the Plan of Action of Interagency Agreement of each agency. To assist in maintaining compliance, the SDE Information Dissemination System continually distributes procedural safeguards information to all public and private service providers.

   The primary sources of information for training and dissemination purposes are:

   a. *Policies and Procedures Manual for Special Education in Oklahoma* (Addendum #1);

   b. *Due Process in Special Education-Guidelines for Parents and School Administrator.* (Addendum #3); and

   c. *Roles and Responsibilities of Surrogate Parents in Oklahoma* (Addendum #1, Section III, Part C).

   The objectives of these sources are:

   a. To disseminate procedural safeguards information to LEAs, other special services agencies and parents;

   b. To inform designated persons within each public and private agency of their roles and responsibilities for procedural safeguards;

   c. To disseminate information on the identification and training of surrogate parents; and

   d. To train identified candidates as hearing officers.

2. Shown below are examples of the variety of methods used by the SDE as part of its information dissemination program:

   a. Distributing manuals through mass mailings, on-site reviews, inservice workshops, and delivery of technical assistance;

   b. Providing inservice training on procedural safeguards;

   c. Conducting mini-sessions on procedural safeguards at professional conferences;

   d. Conducting specific training sessions for surrogate parents and hearing officers;

   e. Conducting specific training sessions for parents on due process;

   f. Conducting specific training sessions for school administrators on due process;

   g. Presenting update sessions at RESC conferences;

h. Presenting sessions at the multihandicapped/deaf-blind paraprofessional training;

i. Structuring the content of forms used by LEAs in the IEP process to:

    (1) Simultaneously inform parents of their rights; and
    (2) Ensure the observance of parent rights by district staff.

j. Requiring documentation through LEA plans/applications that ensures procedural safeguards are an integral part of district policy and procedures;

k. Providing opportunities for the evaluation of procedural safeguards, implementation, and immediate technical assistance where necessary through on-site monitoring of local districts by the SDE; and

l. Utilizing interagency meetings as a forum for reinforcing procedural safeguards as a component critical to the effective implementation of P.L. 94-142 by all special service providers.

XV. CONFIDENTIALITY

A. The Oklahoma State Department of Education requires each LEA to notify parents of the recordkeeping requirements related to the identification, location, and evaluation of handicapped children. This notice must:

1. Be provided in the parent's native language or other mode of communication unless clearly not feasible. If the native language or other mode of communication is not written, then the LEA must take steps to ensure that appropriate translation services are available and that the parents understand this notice;

2. Include those children identified as "handicapped" in 34 CFR § 300.5;

3. Include the types of information sought (i.e., information that may be used in planning present and future program needs for a handicapped child);

4. Include the methods the SDE uses in gathering such information. A statement regarding this methodology appears below:

   a. Newspaper Announcements. The Oklahoma State Department of Education will place appropriate announcements in newspapers having local and statewide coverage. The following announcements will appear in: *The Daily Oklahoman*, *The Tulsa World*, and the state *Superintendent's Newsletter:*

> The Oklahoma State Department of Education is coordinating the collection of selected information on children whose handicaps include the deaf, deaf-blind, hard-of-hearing, mentally retarded, multihandicapped, orthopedically impaired, other health impaired, seriously emotionally disturbed, learning disabled, speech or language impaired, and visually handicapped, birth through 21, for the purpose of determining present and future program and replacement needs, and for statistical reporting. Information will be obtained from local special service departments, Regional Education Service Centers, the Department of Human Services, State Department of Mental Health, State Department of Health, and county guidance centers.
>
> The Special Education Section of the State Department of Education as the designated agency to coordinate education services for the handicapped will be receiving this data from other state and local agencies providing educational services to the handicapped. Parents and guardians maintain the right to inspect any and all data which is subject to collection regarding their child and to appeal the accuracy of any such information. The access of unauthorized persons to personally identifiable data without parental consent is forbidden.
>
> One person in each local education agency has responsibility for those having access to these data. It is required that these data be destroyed following the completion of special services to the child, but not sooner than five years after a record is generated. Parents will be notified of any personally identifiable data collection and the destruction of those data. For further information regarding the survey or regarding the local person to contact for information, you may contact: Special Education Data Coordinator, 405/521-3351.

   b. Agency Notices. Copies of the following notice will be sent to each participating local and state agency through which data might be entered into the system. These notices will be of sufficient quantity to assure that they may be seen and/or otherwise made public to the parents of children upon whom information may be entered. They are to be posted in conspicuous locations in each of these agencies.

A NOTICE TO PARENTS

The (agency name to be written) is part of a joint venture involving the Oklahoma State Department of Education to collect selected information on handicapped children, birth through 21 years of age, for the purpose of determining present and future program and placement needs and for statistical reporting.

As a parent you are guaranteed the right to inspect any such information about your child which is subject to collection and to require the accuracy of such information. Access by an unauthorized person to information which would identify an individual child, without the informed consent of the parent, is expressly forbidden.

This agency is responsible for the confidential maintenance of this information and for its destruction. It is required that these data be destroyed following the completion of special services to the child, but not sooner than five years after a record is generated. Parents will be notified of any personally identifiable data collection and destruction of such data.

If you have questions regarding confidential data on your child, you may contact the following person at this agency:

______________________ at _________________________
(person's name) (agency)

If you do not fully understand this notice, please ask (person mentioned above) to explain its meaning to you. This notice is placed here under federal regulations related to the confidentiality of information.

c. Prior to any major identification or evaluation activity, public notice such as the one described above appears through public media. Annual notification of parents' and eligible students' rights under Family Educational Rights and Privacy act (FERPA) is also required (Addendum #1, Section III, Part G).

d. Information for parents. Information describing the existing information gathering system and the purposes for which the information will be used is routinely provided to the parent of each child who is referred for possible special services by the LEA.

5. Include uses to be made of the information gathered (i.e., to determine the present and future program needs of handicapped children, and for statistical reports) (Addendum #1, Section III, Part G);

6. Include policy and procedures for information storage, retention, disclosure to third parties, and destruction of personally identifiable information (Addendum #1, Section III, Part G); and

7. Include parental and eligible student's rights regarding confidential information under FERPA (Addendum #1, Section III, Part G).

B. Each participating agency shall permit parents to inspect and review any educational records collected, maintained, or used by the agency relating to their children (Addendum #1, Section III, Part G).

The right to inspect and review education records includes (as delineated in Addendum #1, Section III):

1. Explanations and interpretations of records in response to reasonable request;
2. Provision of copies of records if failure to do so would effectively prevent the right to inspect and review;
3. Right of inspection and review for parent's representative; and
4. Assurance that the parents may review all records related to the identification, evaluation, and placement of a child, and the provision of a free, appropriate, public education for the child.

If a parent requests to inspect or review records, the agency must:

1. Comply with the request before any meeting regarding an IEP or hearing relative to the identification, evaluation, or placement of the child; and
2. Comply within 45 days of the request.

An agency may presume that the parent has the authority to inspect and review records relating to his or her child unless the LEA has been advised that the parent does not have authority under state law governing such matters as guardianship, separation, or divorce.

C. Each agency must keep a record of parties obtaining access to educational records collected, maintained, or used under this law (except for access by parents and authorized personnel).

The record of access shall specify:

1. The name of the person viewing the record;
2. Date of access; and
3. The purpose for which the party is authorized to use the records.

D. The confidentiality procedures of each agency shall ensure that parents have the right:

1. To view only those records relating to their child; and
2. To be informed of that specific information relating to their child.

E. Each agency shall provide to parents, upon request, a list of the types and locations of educational records that are collected, maintained or used by the agency.

F. An agency may:

1. Charge a fee for copies of records if the fee does not effectively prevent the parents from exercising their right to inspect and review the records; and
2. Not charge a fee to search for and retrieve information.

G. If an agency receives a request from a parent to amend the records of a handicapped child, the agency shall:

1. Comply with the request within a reasonable amount of time; or

2. Refuse the request and then inform parents of the refusal and of the parents' FERPA hearing rights. (34 CFR 300.570 and 34 CFR 99.22)

The agency shall, upon request, provide the parents of a handicapped child the opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

If the decision reached through the hearing is that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the agency shall amend the information accordingly and so inform the parent in writing.

If the decision reached through the hearing is that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the agency shall inform the parents of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

Any explanation placed in the records of the child must:

1. Be maintained by the agency as part of the records as long as the record or contested portion is maintained by the agency; and

2. Disclose the explanation to the party if the records of the child or the contested portion is disclosed by the LEA to any party.

A FERPA hearing held under this section must be conducted according to the procedure established for such hearings in state and federal law. (34 CFR 99.22)

H. Parental consent must be obtained before personally identifiable information is:

1. Disclosed or released to anyone other than officials of participating agencies collecting or using this information, unless authorized to do so under the subpoena or order of a due process hearing, an appeal, or a civil action. (34 CFR 300.571)

2. Used for any purpose other than meeting a requirement of the Education of the Handicapped Act (34 CFR Part 300); and

3. Released to agencies unless authorized by 34 CFR, Part 99.

I. Each agency shall be responsible for protecting the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.

Each agency shall designate an official as having primary responsibility for all personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures in regard to confidentiality of the records of handicapped children.

Each agency must maintain, for public inspection, a current listing of the names and positions of those employees of the agency who may have access to personally identifiable information.

J. Each agency shall inform parents when personally identifiable information collected or maintained is no longer needed to provide educational services (Addendum #1, Section III, Part G).

All confidential records, except the information needed on transcripts, will be destroyed at parents' request or when their usefulness is over; however, not sooner than five years after a record is generated. Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the documents. If parents do not request the documents, the documents will be destroyed.

K. All parent rights regarding education records transfer to the child upon reaching the age of majority (age 18) or when attending an institution of postsecondary education unless a specific statute or a court order or decision directs otherwise. In those instances, the court-appointed guardian maintains the rights to privacy as outlined in this section for students in attendance.

L. Local education agencies are required to submit their local FERPA policy in conjunction with their district plan to the SDE. Local FERPA policy will be in accordance with 34 CFR Part 99 and 34 CFR 300.560-300.576. The LEAs shall annually notify parents and eligible students in attendance of their rights under FERPA and of the availability of the local policy for their review.

M. Persons wishing to file a written complaint concerning alleged violations of confidentiality in the maintenance of personally identifiable education records will be informed of the designated enforcement agency. The office's address is: Family Policy and Regulations Office, U.S. Department of Education, Washington, D.C. 20202. Annual notification by schools will include the parents' right to file complaint with that agency.

B. Description of Use of Part B Funds for 1990-91, 1991-92, 1992-93 School Years.

I. State Allocations

1. Administrative Positions Paid With Part B Funds	2. Description of Positions Paid With Part B Funds	3. Percent of Salary Paid With Part B Funds
1 director	Supervise staff, collect and analyze management and fiscal data, child count, and oversee activities to comply with state and federal mandates	100%
1 assistant director	Assist the director	100%
3 technical assistance officers	Provide technical assistance to schools with litigious concerns, mediation and complaint management; due process	100%
9 coordinators	P.L. 94-142 technical assistance, on-site reviews, monitoring reports, inservice training, LEA applications, and district plans	100%
1 Project ECHO coordinator	Project ECHO, technical assistance, inservice training, on-site reviews, and monitoring reports	100%
1 Educational Liason for Deinstitutionalization Students	Deinstitutionalization Services	100%
5 secretaries	LEA applications and fiscal reports, correspondence, advisory and interagency correspondence, due process, technical assistance	100%

4. Administrative Activities

a. Monitor the statewide exceptional program for handicapped students.

b. Administer an ongoing effort to locate, identify, and provide a free, appropriate, public education.

c. Provide technical assistance to school districts, parents, and others concerned with the education of handicapped students.

d. Administer the Comprehensive System of Personnel Development.

e. Administer interagency activities and promote coordination of services to handicapped children from public and private agencies.

5. Direct and Support Services

   a. First-priority children who are newly identified will have services provided through contract or cooperative arrangement as will the children who are not served with LEA allocations because of program size or other application problems denoted in 300.360. The SDE assures participation and consultation with parents or guardians of handicapped children for a free, appropriate, public education for the handicapped students ages three through eighteen, and all severely handicapped below three years of age. In addition, handicapped persons ages 19-21 who are unserved and who have not completed a secondary education program shall be served.

      The SDE assures that each child provided direct or supportive services will be provided an opportunity to participate in regular education programs to the maximum extent appropriate. The alternative placements which are available include institutional placement, self-contained classes, learning resource rooms, itinerant teachers, hospital teachers through special services, school-to-home telephone, teacher consultants to regular classroom teachers, and home-based service delivery for children who cannot be served in a regular school setting.

   b. Related services for the inadequately served is a major source for expenditures. The method for determining how related services will be provided will be the responsibility of the LEA and SDE to determine the cost effectiveness, program quality, and availability of services through interagency and other service provider approaches.

   c. Support services will include continuation of the Comprehensive System of Personnel Development, recruitment and training of hearing officers, dissemination of public information, and parent training activities relating to the provision of a free, appropriate, public education for handicapped children.

6. Activities for the State Advisory Panel for 1990-91, 1991-92, 1992-93 School Years

   The state advisory panel will meet at least quarterly and advise the SDE of unmet needs of handicapped students within the state. The committee will comment publicly on any rules and regulations recommended for approval regarding the education of handicapped students in Oklahoma and procedures for the distribution of funds under this part. Each panel member receives reports of all SDE approved applications by LEAs for EHA-B monies and provides input before final presentation to the State Board of Education.

   By July 1 of each year, the advisory panel will submit an annual report of panel activities, suggestions to the SDE and other concerns as deemed appropriate. This report will be made available to the public in a manner consistent with other public reporting requirements. The composition of the advisory group is in accordance with the requirements of P.L. 94-142.

II. Local Education Agency Allocations for School Years 1990-91, 1991-92, and 1992-93

   A. An estimated 601 districts will receive Part B funds. It is projected that for school year 1990-91, 155 or approximately 26% of the districts will submit single-district applications. Sixty-five (65) cooperative applications with an average of 7 districts in each cooperative should represent the remaining 74% of the school districts.

   B. For school year 1991-92, 150 (approximately 25% of the districts) will submit single-district applications. It is projected that sixty-eight (68) cooperative applications will continue averaging seven districts per cooperative to represent the remaining 75% of the school districts.

   C. School year 1992-93 will probably continue to reflect the consistency in single-district applications. Hypothetically, 150 or 25% of Oklahoma's school districts will submit single-district applications. Seventy-five (75) cooperative applications including seven to eight districts per cooperative should represent the remaining 75% of the school districts.

D. The SDE may use funds generated by local education agencies and other monies as necessary to ensure the provision of a free, appropriate, public education to handicapped children residing in the area served by the location education agency for the following reasons:

1. Is entitled to less than $7,500 for that fiscal year;
2. Does not submit an application that meets the requirements of 300.220-300.240;
3. Is unable to establish and maintain programs of free, appropriate, public education; and/or
4. Is unable to consolidate with other LEAs in order to establish programs.

The SDE maintains the flexibility to provide these services by contract or through other arrangements as denoted in 300.360.

C. Deaf-Blind Children and Youth (Title VI-C)

The Oklahoma State Department of Education, Special Education Section, in the interest of effective and efficient services, proposes to improve technical assistance to Special Education programs and related services for deaf-blind children and youth for whom the State is obligated to make available a free appropriate public education.

Examples of needs include:

1. Teacher training programs that incorporate the needs of deaf-blind students;
2. Parental needs for information about education, diagnosis, evaluation and lifelong service options; and
3. Improved methods of assessing, certifying, and tracking deaf-blind children and youth.

This project is focused on meeting these needs through the systematic provision of training and information, to families of deaf-blind children and youth, and to all educators involved in service delivery. Free appropriate public education services will be expanded and enhanced by the accomplishment of four major goals:

1. To increase the number of educational programs providing improved service delivery to deaf-blind children and youth in the least restrictive environment;
2. To increase family involvement in the education of their deaf-blind children and youth;
3. To assess, certify and track deaf-blind children and youth; and
4. To rectify the deaf-blind registry count with State Department of Education reports.

The impact of this project will be the establishment of improved instructional, administrative, and appraisal techniques leading to increased opportunities for education within the least restrictive environment, greater family involvement, an effective tracking and certification system, and a closer correlation between deaf-blind registry counts.

Requests for additional information should be directed to the Oklahoma State Department of Education, Coordinator for Deaf-Blind.

• NOTICE OF POST-APPROVAL AMENDMENTS

The following changes have been made to the FY 91-93 Oklahoma State Plan for Part B of the Education of the Handicapped Act as a result of the need for further documentation/clarification to the federal Office of Special Education Programs (OSEP).

Area of Need	Response
Public Participation: State Plan, pp. 5-6, 9	
1. Further document that public hearings did occur	Copies of hearing participant registration lists sent to OSEP
2. Document actual publication of news release	Copies of actual newspaper and newsletter articles sent to OSEP
3. Summarize revisions to State Plan as a result of public comments	Sent to OSEP: copies of letters previously submitted to OSEP Deputy Director and all hearing participants
Individualized Education Program: State Plan, pp. 18-20	
1. Page 18, Section B-1: clarify that placement decision is made at IEP meeting	Refer to p. 28 (Step 5) in Policies and Procedures Manual for Special Education in Oklahoma
Procedural Safeguards: State Plan, pp. 21-27	
1. Page 22, Section F: include "initial placement" in override clause; current wording applies only to parental consent for evaluation	Wording changed to reflect inclusion of "initial placement" issues
2. Page 22, Section F: if parents refuse consent, the school/public agency "must" request a due process hearing... This wording is inconsistent with the word "may" on p. 42 of the Policies and Procedures Manual.	Word "must" changed to "may" on p. 22, Section F
3. Page 22, Section F: is "over-indented"	Margin corrected
4. Page 22, Section H-2: "SDE" needs to be deleted; the public agency directly responsible for the education of the child (per Oklahoma law/policy) must conduct the due process hearing.	Deleted words "SDE or the"

Area of Need	Response
5. Page 23, Section 13a: reorganize wording to ensure that a copy of the final hearing decision is mailed to the parties not later than 45 days after the request for a hearing is received	Wording reorganized to include mailing of hearing decision within 45-day time limit
6. Page 25: list of hearing officers does not include qualifications, per 34CFR300.507(c)	Page 22, Section H-5: wording changed to reflect that SDE maintains list of hearing officers, appeal officers and hearing officer trainees and their qualifications Page 25: List of hearing officers updated and footnote added to assure maintenance of list of hearing officer names/qualifications by each LEA Sent to OSEP: Memo/hearing officer list of names/qualifications sent to all LEAs Sent to OSEP: Vitae of all hearing officers Page 26: Footnote added to provide assurance of records maintenance (appeal officer qualifications) by SDE Page 27: List of hearing officer trainees updated and footnote added to provide assurance of records maintenance (trainee qualifications) by SDE

Comprehensive System of Personnel Development: State Plan, pp. 34-42

1. Page 36, State Educational Agency: plan omits specific results of annual needs assessment by SEA, including target populations identified for personnel development and the content/nature of training for each identified area of need	See "CSPD EXECUTIVE SUMMARY" insert on p. 75 of State Plan; entire needs assessment results are available for review through the SDE. Sent to OSEP: entire copy of "CSPD Statewide Survey of Education Personnel and Parents: Data Summary"
2. Page 37, Section D, Personnel Standards: further information is needed regarding (a) steps for retraining /hiring personnel to meet appropriate professional requirements in the state, (b) procedures for notifying public agencies/personnel of steps outlined in (a), and (c) timelines for implementation needed regarding (a) steps for retraining /hiring personnel to meet appropriate professional requirements in the state, (b) procedures for notifying public agencies/personnel of steps outlined in (a), and (c) timelines for implementation	See "PERSONNEL STANDARDS - PROCEDURES FOR PERSONNEL DEVELOPMENT on p. 76 of State Plan

Area of Need	Response
3. Page 38, Section D-4, Personnel Standards; need further information that a determination has been made (based on current descriptive information for each profession/discipline) whether applicable standards are consistent with the highest requirements in the State for each profession/discipline	Sent to OSEP: entire copy of: "Oklahoma Licensure/Certification and State Agencies' Requirements for Personnel Providing Services to Handicapped Children"
4. Page 38, Section D-4, Personnel Standards: provide assurances that the information used for making the determination in #3 above is on file at the SEA and is available to the public	The study referenced in Area #3 above is on file at SDE and is available to the public (as stated in the State Plan on p. 38, #4, paragraph 6)
5. Page 39, Section D-7: incomplete listing of areas of Oklahoma licensure/certification	"School psychologist" and "school psychometrist" added to listing

"Other Substantive Issues in Regs" (Special Services Funding): Policies and Procedures Manual, pp. 68-72

1. Page 69, Homebound: Clarify that homebound program is an adjunctive program under SDE Special Services (i.e., it is not a part of EHA-B). "Homebound" includes non-handicapped children (pregnant girls, etc.).	See clarification memo on p. 77 of State Plan
2. Page 71, Physically Handicapped: Assure that reimbursement limitation is still consistent with EHA-B guidelines for "free appropriate public education"	See clarification memo on p. 77 of State Plan
3. Page 72, Boarding Exceptional Children: Assure that reimbursement limitation is still consistent with EHA-B guidelines for "free appropriate public education"	See clarification memo on p. 77 of State Plan

CSPD
EXECUTIVE SUMMARY

During the spring of 1989 a state wide needs assesment was conducted. Questionnaries were sent, on a random sample basis, to special education teachers, regular education teachers, parents of handicapped children and support personnel. These groups were identified as target populations for personnel development.

Approximately 880 special education teachers, representing all categories, responded to the survey. Results indicated a need for further training on the following topics: 1) test interpretation; 2) procedural safeguards and due process; 3) discipline and suspension; 4) alternative instructional strategies; 5) utilizing appropriate materials; 6) behavior management; 7) availability of community resources; 8) regular and special education teacher collaboration; 9) transition of secondary students; 10) early childhood programming; 11) funding issues; and, 12) parent participation.

Responses were received from approximately 571 regular education teachers indicating the following priority areas: 1) understanding P.L. 94-142; 2) identification and understanding of handicapping conditions; 3) discipline and suspension; 4) understanding psychoeducational evaluations; and, 5) regular education responsibilities for implementing P.L. 94-142.

Support personnel included clerical, custodial, food service and transportation staff members and teacher assistants. Approximately 336 support personnel responded with the following results: 1) dealing with students on medication; 2) dealing with conflict; 3) behavior management; and, 4) specific handicapping conditions and characteristics.

Two hundred three responses were received from parents of handicapped children. Their surveys yielded the following needs for training: 1) understanding types and purposes of testing; 2) procedural safeguards; 3) transition process at all levels; 4) home activities to reinforce instruction; 5) resources/services for parents of handicapped children; 6) setting realistic goals; and, 7) post-secondary programs.

The needs of each target population have been and will be addressed through inservice activity. Many of the activities are annual events.

The Summer Cooperative Transition Conference addresses topics related to secondary transitioning. In cooperation with the Oklahoma Easter Seal Society, the SDE offers inservices in four areas of the state for special educators. Topics are based upon needs established in the needs assessment survey.

The annual Special Education Fall Conference covers a myriad of prioritized topics and is of interest to both regular and special educators. An early childhood conference is another annual event which addresses topics specific to service providers of 0-5 year old children.

The annual paraprofessional training prepares teacher assistants to work with deaf/blind-multihandicapped children under the supervision of a qualified teacher.

One to two parent conferences are facilitated annually to meet prioritized training needs of parents.

The data summary of the Comprehensive System of Personnel Development Statewide Survey of Education Personnel and Parents is available for review at the SDE.

PERSONNEL STANDARDS
PROCEDURES FOR PERSONNEL DEVELOPMENT

The SDE offers several opportunities for retraining personnel to meet state certification requirements.

Local Education Agencies (LEAs) receive $3.00 per child under the Comprehensive System of Personnel Development. LEAs are encouraged to use these monies to pay tuition of local residents seeking certification in a special education area.

Since 1978, Oklahoma has been the recipient of a VI-D training grant. This grant goes directly to recipients who are pursuing certification in categories and geographic locations considered to be areas of critical shortage by the State Department of Education.

Related to these efforts and to Part H requirements is a contract with the Regents for Higher Education which requires an assessment of the numbers of students, at each institution of higher education, currently training in the area of special education.

Because of the critical shortage of speech pathologists and the fact that approximately 80% of Oklahoma's preschool (3-5) population are speech impaired, plans have been made to establish preschool model sites within the State. These sites would enable approved speech pathology programs to expand by offering classes off-campus, thereby reaching the rural areas.

Through contractural arrangements, the SDE has surveyed other states to assess recruitment practices. A committee, funded by this contract, has been established to recommend effective recruitment/retraining strategies. Additionally, this contract provides for stipends to be paid directly to qualifying recipients who are pursuing special education certification through targeted institutions of higher education.

In addition to the opportunties provided by the SDE, the Oklahoma State Regents for Higher Education offer two scholarships specifically for teacher preparation. The Future Teachers Scholarship Program, as authorized by the legislature, is open to high school graduates who will agree to prepare for and teach in the areas in which there is a shortage as determined by the SDE.

The Regents also administrate the Paul Douglas Teacher Scholarship which is a need-based, federally funded program to enable and encourage high school graduates to pursue teaching careers in designated shortage areas.

Finally, a special subcommittee to the EHA-B State Advisory Panel has been appointed to make recommendations regarding changes needed in coursework required for certification and other higher education concerns.

Notification procedures and timelines are consistent with the special subcommittee as disseminated in the letter to all hearing participants of May 30, 1990.

A determination has been made, based on current information that accurately describes, for each profession/discipline in which personnel are providing special education and related services, whether the applicable standards are consistent with the highest requirements in the State for that profession/discipline. The requirements of all State statutes and the rules of all State agencies applicable to serving children and youth with handicaps have been considered. The summative requirements for licensure/certification which were used as a basis for making this determination is contained in the publication "Oklahoma Licensure/Certification and State Agencies' Requirements for Personnel Providing Services to All Handicapped Children" by Martha Ferretti, M.P.H., P.T. and Leslie Hudson, M.P.H., P.T. (December 13, 1989). Although the study was originally initiated under the auspices of P.L. 99-457 for 0-2 year olds, it wholly applies to service providers under EHA-B for handicapped children and youth aged 3-21. This study is on file at the SDE and is available to the public.

It has been determined that the one area of licensure/certification in Oklahoma in need of improvement to meet the highest applicable State requirements is the area of speech-language pathology. Currently, only one university in the State still has a speech-language pathology program offering a bachelor's degree.

The following is a summary of the plan which will be implemented to assure that the appropriate professional requirements will be met:

1. For those personnel to be hired for the provision of speech-language pathology to eligible children under EHA-B:
    a. All State institutes of higher education offering training programs in the area of speech-language pathology will require programs approved for certification to meet American Speech-Language Hearing Association (ASHA) licensure requirements.
    b. The SDE will send a bulletin to all State IHE offering a speech-language pathology program. This bulletin will outline our notification of this action. There will be a news release of this action.
    c. All State IHE speech-language pathology programs will fully meet ASHA standards by the 1991-92 school year.
2. For those personnel currently providing speech-language pathology to eligible children under EHA-B and who do not currently meet the highest State standards:
    a. The SDE will contract with those IHE offering programs in speech-language pathology to provide inservice designed to retrain bachelor-degreed service providers.
    b. The SDE will send a bulletin to all State IHE offering a speech-language pathology program. This bulletin will request proposals for the inservice. There will be a news release of this action.
    c. All State IHE speech-language pathology programs will submit Request for Proposals (RFP) by July 1, 1992.
    d. Inservice will be completed for retraining issues by July 1, 1997.

MEMORANDUM

TO: Dr. Tom Irvin
Office of Special Education Programs

FROM: Connie Guffy
State Director

DATE: July 13, 1990

SUBJECT: Post Approval Amendments/"Other Substantive Issues in Regs" (1-3)

The "Homebound" (including program for non-handicapped pregnant girls), "Physically Handicapped", and "Boarding Exceptional Children" are adjunctive funding programs administered under the auspices of the Special Education Section. Special State appropriations in these areas may assist schools in the provision of free appropirate public education for eligible handicapped students.

pk

ADDENDA

1. Policies and Procedures for Special Education in Oklahoma
2. Interagency Agreements
3. Due Process Guidelines for Parents and School Administrators
4. LEA District Plan
5. Special Education Funding Policies and Procedures Manual for Use of Federal Funds
6. Public Agency Monitoring Document

POLICIES
AND
PROCEDURES
MANUAL

FOR SPECIAL EDUCATION
IN OKLAHOMA

Oklahoma State Department of Education
Gerald E. Hoeltzel, State Superintendent of Public Instruction

1991

OKLAHOMA
STATE DEPARTMENT OF EDUCATION

Gerald E. Hoeltzel	State Superintendent
C. Jack Harrell	Deputy State Superintendent
Dr. Leroy Ireton	Associate State Superintendent

Special Education Services Staff

Dr. Jimmie L.V. Prickett	Assistant Supt., Special Education
Connie Guffy	Director, Special Education
Pam Robinson	Assistant Director, Special Education

Technical Assistance Officers

Jacque Allen	Monitoring
Erlene Belling	Infants & Toddlers (0-2)
John Corpolongo	Due Process/Appeals
Darla Griffin	Complaints/Interagency/School Psychology

Coordinators

Kathleen Ahern	Early Intervention Services
Margaret Bergant	Learning Disabled
Laura Bixler	Emotionally Disturbed
Dr. Noah Callaway	Deaf/Blind Programming
Deborah Delhotal	Regional Program Specialist (VI)/Project INSITE
JoAnn Gordoni	Special Services
Rex Howard	Visually Impaired
Rita Kukura	Early Intervention Services
Lisa M. McLaughlin	Data Consultant
Sam Nunley	Transition/Deaf Ed
Lois A. Penoi	Orientation & Mobility Specialist (VI)
Cathy Perri	Project ECHO/Speech/Language
Linda Ralston	Deinstitutionalization
Annette Roppel	Regional Program Specialist (VI)
Debra Shepherd	Monitoring
Rebbie Wale	Multihandicapped/Deaf-Blind/89-313
Jodie Williams	Monitoring
Vacant	Preschool (3-5)

Support Staff

Helen Arter	Secretary
Esther Braxton	Informational Representative
Lana Chambers	Secretary
Janet Felton	Secretary
Pam Kimery	Informational Representative
Martha Long	Administrative Assistant
Lu Norman	Accountant
Emma Jean Poteet	Typist Clerk

TABLE OF CONTENTS

I. Introduction 1

II. Responsibility of State and Local Education Agencies 1

III. Organization of Programs 3

  A. Child Identification 3

  B. Parental Involvement 5

  C. Surrogate Parents 6

  D. Category Definitions, State Regulations and Class Size 8

  E. General Information 10

    1. Ages of Children 10
    2. Length of School Day 10
    3. Service Delivery 10
      a. Program Definitions 10
      b. Program Design/Modified Programs 12
      c. Private Schools 13
    4. Discipline 13
    5. Grading/Transcripts 15
    6. High School Special Education (Units) 16
    7. Diplomas 17
    8. Special Vocational Education 17
    9. Teacher Certification and Salary 20
    10. Textbook Funding 21

  F. Least Restrictive Environment 21

  G. Confidentiality Procedures 23

  H. Step-By-Step Service Delivery Procedures 28

  I. Evaluation 29

  J. Speech and Language 38

  K. Learning Disabilities 38

  L. Physical Impairment 39

  M. Categorical Eligibility 40

  N. Individualized Education Program (and Instructions) 41

  O. Related Services 52

  P. Paraprofessionals 55

Q. Removal from Special Education 57

IV. Recommendations for Transporting Handicapped Children 57

V. Augmentive Communication Devices 58

VI. Early Childhood 59

VII. Project ECHO 63

VIII. Project INSITE 64

IX. Regional Education Service Centers (RESC) 64

X. Funding 67

A. State 67

B. Federal 67

XI. Special Services 68

XII. Comprehensive System of Personnel Development (CSPD) 72

XIII. Complaint Procedures 73

XIV. Due Process Hearing and Appeal Procedures 75

XV. Program Monitoring 77

XVI. Special Education Forms 81

Form 1 Confidential Record 83
Form 2 Referral for Evaluation 85
Form 3 Parent Permission 87
Form 4 Multidisciplinary Evaluation Team Summary 91
Form 5 Learning Disabilities Evaluation Summary 93
Form 6 Notification of Meeting 95
Form 7 Record of Parent Contacts 97
Form 8 Categorical Eligibility Statement 99
Form 9 Individualized Education Program 101
Form 10 Review of Placement/IEP 105
Form 11 Confidentiality Procedures 107
Form 12 Authority to Transfer Education Records 109
Form 13 Consent to Release Information (Third Parties) 111
Form 14 Surrogate Parents - Verification of Training 113
Form 15 Medical Information Form 115
Form 16 Eye Report 117
Form 17 Audiogram 119

XVII. Special Services Forms 121

Form 1 Preapproval Application: Homebound 123

Form 2 Preapproval Application:
Homebound Pregnant/In-School Program for Pregnant Girls 125
Form 3 Preapproval Application: Out-of-District Transportation 127
Form 4 Preapproval Application: Physically Handicapped 129
Form 5 Preapproval Application: Deaf-Blind 131
Form 6 Preapproval Application: Teacher Travel 133
Form 7 Preapproval Application: Full-Time PT, OT, PTA, COTA 135
Form 8 Physician's Report 137

XVIII. Oklahoma State Laws for Special Education 139

Index 157

KEY TO ACRONYMS

CFR - Code of Federal Regulations
CSPD - Comprehensive System of Personnel Development
DHS - Department of Human Services
EDGAR - Education Department General Administrative Regulation
EHA - Education of the Handicapped Act
EHA-B - Education of the Handicapped Act - Part B
EIU - Early Intervention Unit
FAPE - Free Appropriate Public Education
FERPA - Family Education Rights and Privacy act
IEP - Individualized Education Program
IFSP - Individual Family Service Plan
IWRP - Individualized Written Rehabilitation Plan
LD - Learning Disabilities/Learning Disabled
LEA - Local Education Agency
LRE - Least Restrictive Environment
OCR - Office of Civil Rights
OSEP - Office of Special Education Programs
RESC - Regional Education Service Center
SDE - State Department of Education
SEA - State Education Agency

I. INTRODUCTION

The policies and procedures contained in this document assure all handicapped children residing in Oklahoma the right to a "free, appropriate public education" as mandated by Public Law 94-142 and amendments. Each agency responsible for a handicapped child's individualized education program will abide by state and federal regulations. Agencies having this responsibility are: local public school districts, state supported institutions, private schools (which are accredited according to state standards) and hospital schools. Other private school programs for handicapped children residing within the jurisdiction of one of the above public agencies shall be provided services by that public agency.

This manual is a support document to the State Plan for Special Education. Its purpose is to establish minimum standards for program approval, for determination of pupil eligibility and for appropriate programming within the least restrictive environment. (Note: Minimum, not optimum, standards are being addressed. A school district or agency may establish criteria exceeding standards. However, at no time may a school district or agency establish criteria less than the minimum standards.)

II. RESPONSIBILITY OF STATE AND LOCAL EDUCATION AGENCIES

State

The Special Education Section was created by the State Board of Education to provide leadership in establishing and expanding services for handicapped children throughout the state. It monitors for compliance and ensures that appropriated funds serve their intended purpose. Educational programs for handicapped children must meet education standards of the state, as well as applicable federal requirements. Responsible public agencies in Oklahoma will be informed of these state and federal requirements and successful special education practices through ongoing efforts of the State Department of Education. The services of the Special Education Section include:

1. Providing overall leadership and direction as outlined in the Oklahoma State Plan for Special Education;
2. Monitoring for compliance;
3. Evaluating effectiveness of special education programs;
4. Allocating special education funds;
5. Collecting and reporting information;
6. Processing complaints and requests for due process hearings;
7. Promoting inservice training for special service providers and parents; and
8. Providing technical assistance.

Local Education Agencies

Each local education agency must submit to the State Department of Education a district plan containing specific assurances of how all eligible handicapped children in the district will have access to "free, appropriate public education." This plan must follow the state plan, state and federal laws and regulations, and be approved by the Special Education Section of the State Department of Education.

The local education agency is responsible for all exceptional children who are legal residents of the district. Independent school districts are responsible for ages 0-21. Dependent schools have the responsibility for ages 0 through the highest grade level of the school. Responsibility for the educational program for a handicapped student leaving a dependent school is assumed by the independent district receiving the child (the same as a nonhandicapped student) if the dependent school is in the independent school's transportation area. If the child is transferred outside the transportation area, the dependent school retains responsibility for special services and puts the child on their child count roster.

A local education agency may fulfill these responsibilities by:

1. Directly providing special education for such children;
2. Joining in a cooperative program with another district or districts to provide special education for such children;
3. Joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind and partially blind; or
4. Transferring handicapped children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition.

Given the department of education philosophy that special education is an integral part of regular education, all service delivery systems must offer the following possible placements ranging from the least restrictive (maximum opportunity for contact with nonhandicapped children) to the most restrictive (least contact with nonhandicapped children).

1. Regular classes
2. Special classes
    a. Resource/lab
    b. Self-contained
3. Special separate schools
4. Home instruction
5. Institutions/hospitals

Each district must make an annual comprehensive survey to determine the number and type of children who (as district residents) are in need of special services. The survey must also include children not enrolled in school. Records and documentation must be maintained showing methods used in the survey. Such methods could include: newspaper articles; radio or television spot announcements; brochures and other printed information distributed throughout the district; and school personnel at meetings (such as civic clubs, etc.).

Assurances are made that all handicapped children will be served in facilities comparable to those facilities for nonhandicapped children and that all handicapped children be educated with nonhandicapped children to the maximum extent appropriate.

Local school systems are encouraged to develop their programs around the needs of children and not force students into inflexible programs. While emphasizing the philosophy of "least restrictive environment," the reality of the special needs of handicapped children must be considered when designing their educational program. Each placement recommendation should emphasize opportunity for development with minimum failure.

Each public agency shall establish and document procedures for determining program effectiveness, to be completed at least annually.

Each handicapped child must be afforded the opportunity to participate in the regular physical education program available to nonhandicapped children, unless the child needs specially designed physical education as prescribed in the child's individualized education program or is enrolled full-time in a separate facility.

On December 1 of each year, each district shall conduct a count of handicapped children (child count) and report the data to the Special Education Section. This count must be unduplicated and documentation must be obtained that ensures the following children are *not* counted:

1. Handicapped children who have been evaluated by a public agency but are not receiving special education or related services on December 1, as required by 34 CFR 300.751.
2. Handicapped children who are not enrolled in a school program operated or supported by a public agency as required by 34 CFR 300.753.
3. Handicapped children who are not provided special education and related services that meet state standards as required by 34 CFR 300.753.

It is the responsibility of the local education agency to see that all necessary forms are *completed* and *signed.*

Each local education agency must maintain a master list of all handicapped children and youth (ages 0-21) who are residents of their district. The list should include the child's name, age, and disability. The child's present educational placement should be noted (e.g., local program, transferred, state school, private school, etc.).

Records related to grant funds and/or compliance must be kept for a minimum of 5 years. This includes, but is not limited to, the child count master list, application for funds, CSPD records, etc.

III. ORGANIZATION OF PROGRAMS

A. Child Identification (Public Awareness, Child Find)

Child identification includes the components of public awareness and child find, as defined:

Public Awareness:	The provision of information aimed at improving the public's understanding of handicaps, handicapping conditions, and appropriate services provided to meet the needs of individuals with handicapping conditions.
Child Find:	An ongoing system which exists for the purpose of identifying, locating, and evaluating individuals from birth through 21 years of age with established or suspected handicapping conditions.

Policy

Each school district shall identify, locate, and evaluate those handicapped individuals from birth through 21 years of age, within its district, who are in need of special education and related services.

The policy for identification, location, and evaluation of handicapped individuals (0-21) is under the administration of the Oklahoma State Department of Education. Local school districts in collaboration with other public and community agencies at the county or local level will locate and identify individuals with established or suspected handicapping conditions. The population will include in-school and out-of-school handicapped individuals from birth through 21 years of age. The population will also include handicapped individuals from birth through 21 years of age who attend public and private schools, agencies, and state institutions.

Compliance with the child identification policy regulation is strengthened by sanctions of federal funds appropriated for the handicapped in various agencies and programs. Procedures for complaint resolution or disputes between agencies are established at the state level and utilize existing clarification routes for legal interpretation through the state attorney general's office and governmental relations process.

Procedure

The need for special education and related service shall be determined by the following documented procedures as assured in the local district plan:

1. Each school district shall establish, maintain, and further develop an ongoing child identification process in collaboration with parents, health and social service agencies to inform persons about the state and federal programs for handicapped individuals in *each of these respective agencies*.

2. The process of communicating and disseminating the child identification program shall be conducted in a systematic and documented manner. This process shall emphasize an awareness of handicapping causes and conditions as well as the appropriate procedures for *accessing* services to identify eligible handicapped individuals from birth through 21 years of age. Included in this process should be the position/title of the most appropriate individual(s) to contact for information on accessing services.

   The child identification process should include at least 1 type of documentation from 2 of the 3 following activities:

   a. ONGOING advertisements, news releases, and feature articles in newspapers and agency newsletters;

   b. MONTHLY advertisements, news releases, spot announcements, interviews on radio or television, and/or other public forum; and/or

   c. MAINTAINED placement of posters or referral post cards placed in public places (e.g., doctors' offices, pharmacies, community stores, laundromats, libraries, hospitals) or in mailing (e.g., utility bills, church bulletins); distribution of brochures, newsletters or pamphlets; and/or usage of films, slides, or other video presentations.

   The diversity of both geographic and demographic factors in a given school district requires awareness and sensitivity when choosing the most appropriate types of activities needed to inform the public of the district's child identification process, components, and procedures.

3. Each school district shall develop and maintain a comprehensive multi-agency procedure for formal observation, interviews, and routine interventions that clarify the nature of the suspected handicapping condition(s). (Local agencies who serve handicapped persons shall address new requirements for coordination of public agencies' responsibilities to assure supplemental and nonsupplanting usage of funds in accordance with the Education of the Handicapped Act, Amendments of 1986, Title II, Section 203. The joint agency process will help delineate financial responsibility, encourage team effort, avoid supplanting, and increase the accuracy of diagnosis and effectiveness of intervention.)

4. Each school district shall develop and maintain a procedure for referral and comprehensive evaluation of individuals with observed, substantiated, or screened handicapping conditions.

Included in this procedure shall be the record of the number of referrals and evaluations resulting from the district's child identification process.

5. Under the supervision of the State Department of Education, in-school child identification policies and procedures include periodic and state regulated testing programs which occur prior to first grade, during kindergarten and intermittently throughout the grades to check and recheck growth and development. Ongoing referrals and evaluations are conducted by 21 Regional Education Service Centers and/or public schools or guidance center personnel. Timelines under the procedural safeguard regulations are monitored for the development of individualized education programs and placement following evaluations by qualified examiners.

6. Placement in special education and related services shall follow standards and identification criteria established in state and federal law.

B. Parental Involvement

Parental involvement is an important part of the Education of the Handicapped Act. A parent, guardian, person acting as a parent of a child, or a surrogate parent (appointed in accordance with 34 CFR 300.514) shall be involved in the designing of the educational program for a handicapped child. Appropriate district staff and this person will work together in a team setting throughout the referral, evaluation, and program planning stages. The parent must:

1. Give prior *written* permission for individual evaluation;

2. Receive a list of their rights;

3. Have the evaluation results explained to them and see a copy of the evaluation(s). They may request and receive a copy of all educational evaluations and records of the child at minimum cost;

4. Give prior *written* permission for the total reevaluation of each handicapped child at least every three years, or more often if needed;

5. Give *written* permission for initial placement of the child in the special education program determined most appropriate by the IEP team;

6. Be afforded the opportunity to participate in the development of the IEP and its annual review. Attempts used by each public agency to include parents in meetings for their handicapped child must be in accordance with 34 CFR 300.345 as follows:

   a. Notify parents of the meeting early enough to ensure that they will have an opportunity to attend; and

   b. Schedule the meeting at a mutually agreed upon time and place. The notice used by each public agency to inform parents of these meetings must indicate the purpose, time, location, and who will be in attendance.

   c. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

   d. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a *record* of its attempts to arrange a mutually agreed upon time and place. This shall include:

(1) Detailed records of telephone calls made or attempted and the results of these calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

e. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is not English.

f. The public agency shall give the parent, on request, a copy of the IEP.

7. Be given *written* notice a reasonable time before the public agency:

a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child; or

b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

c. The written notice must include:

(1) A full explanation of all the procedural safeguards available to the parents under Subpart E of federal regulations;

(2) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal;

(4) A description of any other factors which are relevant to the agency's proposal or refusal;

(5) Language understood by the general public;

(6) The native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;

(7) Steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication if the native language or other mode of communication of the parent is not a written language;

(8) Steps to ensure that the parent understands the content of the notice; and

(9) Written evidence that the requirements of (7) and (8) above have been met.

C. Surrogate Parents

Parental involvement is an important provision of the federal regulations for education of handicapped children. The term "parents" is defined to include a child's natural parents, guardians, relatives, or stepparents with whom a child lives, or surrogate parents appointed in accordance with state and federal requirements. The term "parents" does not include the state or employees of public agencies (e.g., social workers or directors of agencies) if the child is a ward of the state.

When no parent can be identified, the whereabouts of the parents cannot be discovered after reasonable efforts, or the child is a ward of the state, the local education agency or public agency providing educational services shall ensure that the rights of the handicapped child are protected by assignment of a surrogate parent.

Upon determining a handicapped child's need for a surrogate parent, the school district or public agency providing educational services must assign a surrogate parent. A record of surrogate parents assigned to individual handicapped children shall be maintained by the school district or public agency providing educational services. This record shall be maintained in a confidential manner. In addition, a copy of the Surrogate Parents-Verification of Training and Assignment form (SDE Form 14) shall be maintained in the child's confidential special education folder.

Criteria for selection of surrogates include that the persons selected must:

1. Have no interest that conflicts with the interests of the child he or she represents;
2. Have knowledge and skills that ensure adequate representation of the child; and
3. Not be an employee of an agency which is involved in the education or care of the child.

To ensure knowledge and skills, the training of surrogate parents should include:

1. Information regarding state and federal requirements for education of handicapped children;
2. Parents rights and responsibilities;
3. Procedural safeguards and due process;
4. Step-by-step process for delivery of special education services;
5. Structures, procedures, or forms of the educational agency to document procedural safeguards;
6. Information about the nature of the child's disability and needs; and
7. Other information deemed necessary by the educational agency or surrogate parent.

Training of surrogate parents is to be provided by the school districts or responsible educational agencies. When surrogate parents receive training from an agency, written notice of completion of training should be provided and *verified* by the educational agency. The State Department of Education and Regional Education Service Centers provide additional information or materials for surrogate parent training as needed.

Surrogate parents have rights and responsibility to represent the handicapped child in all matters relating to:

1. Identification, evaluation, and educational placement of the child; and
2. Provision of a free appropriate public education for the child.

If an assigned surrogate parent informs the school district that they no longer wish to serve as a child's representative, their request will be honored. A statement to this effect by the surrogate parent or notation on the Surrogate Parents-Verification of Training and Assignment form (SDE Form 14) could be made to document this action. Upon resignation by a surrogate parent, another trained surrogate parent will be assigned to the child and the prior assignment will no longer be applicable.

The educational agency must ensure that surrogate parents perform their responsibilities, remain free from conflict of interest, and take no actions that might be harmful to the child. If an assigned surrogate parent fails to perform the necessary duties or no longer meets the selection criteria, the agency may seek resignation or removal of assignment as surrogate parent. Disagreements about surrogate parent assignments may be subject to due process hearing procedures, if necessary.

Parent authority ceases upon appointment by a court of a guardian for a child (Title 10, Oklahoma Statutes, Section 10). Rights and duties with respect to the care and custody of a child, except for parents and close relatives, can only be assigned, relinquished, or transferred by an order or judgment of a court. (Title 10, Oklahoma Statutes, Section 27) When the court has placed a handicapped child under legal guardianship of the state (i.e., DHS), the school district should take steps to make surrogate parent representation available to the child.

Foster parents should be trained and assigned as surrogate parents in most circumstances where the state, as guardian for a child, has placed a child in that foster family home. Because foster parents are not considered to be employees of the responsible agencies, their daily contact and involvement with the child makes them the first choice as surrogate parents. The school district or educational agency must verify training and officially assign foster parents as surrogate parents for handicapped children. If the foster parent chooses not to act as the surrogate parent, another trained surrogate parent will be provided by the school district or education agency. Schools are encouraged to invite relevant personnel from the DHS to team meetings although such employees cannot serve as parents or surrogate parents.

When a handicapped child has been placed in a special facility or institution for residential treatment or full-time care, the educational agency must ensure that the child has representation by parents or surrogate parents. Employees of the agency involved can not serve in this capacity, since they do not meet the criteria outlined by EHA. If a parent's rights have been terminated and the court has made the state guardian of the child, a surrogate parent must be appointed. In circumstances where the parents have placed the child on their own or have agreed voluntarily to the custody of the state for purposes of this residential placement, every effort should be made to continue the involvement and participation of those parents in the special education process. If the whereabouts of the parent cannot be determined or no parent can be identified, the educational agency would then assign a surrogate parent on behalf of the child.

Oklahoma law provides that a "child" is defined as any unmarried or unemancipated person under the age of 18 years. (Title 10, Oklahoma Statutes, Section 25) A "minor" means any person who has not attained the age of 18 years. (Title 10, Oklahoma Statutes, Section 402, as amended in 1986) When parent authority ceases at age 18 years or upon marriage of the child (Title 10, Oklahoma Statutes, Section 10), the individual may give legal consent on his own behalf. However, under EHA, it could be permissible for parents, who still maintain responsibility for the individual to continue involvement on behalf of their handicapped child through age 21 years where necessary. Where such students are no longer considered as a "child" or "minor" and parents are not available, surrogate parents might be assigned, with agreement of the student, to assist in representing their rights as handicapped students. In circumstances where the student is so severely handicapped as to be unable to give consent, courts can appoint parents or relatives as guardians to act on behalf of the student.

D. Category Definitions, State Regulations and Class Size

Definitions of "handicapped children*." The terms used are defined as :

1. "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

2. "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

*(34 CFR 300.5)

3. "Hard-of-Hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

4. "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

5. "Multihandicapped" means concomitant major impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

6. "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

7. "Other health impaired" means having an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

8. "Seriously emotionally disturbed" is defined as follows:

    a. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

        (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

        (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

        (3) Inappropriate types of behavior or feelings under normal circumstances;

        (4) A general pervasive mood of unhappiness or depression; or

        (5) A tendency to develop physical symptoms or fears associated with personal or school problems.

    b. The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

NOTE: The federal definition is for "Seriously emotionally disturbed" and since Oklahoma uses this definition, it is understood that all children placed in the category of "emotionally disturbed" will be seriously disturbed. Before a team determines that a student is eligible, the team must document evidence of a condition and all three qualifiers: 1) Over a long period of time; 2) To a marked degree; and 3) Adversely affects educational performance.

9. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, emotionally disturbance, or of environmental, cultural or economic disadvantage.

10. "Speech or Language Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance. (Refer to p. 38.)

11. "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

E. General Information

1. Ages of Children

Minimum Age--Programs for exceptional children must be available beginning at age three. However, for certain eligible students there is no minimum age (i.e., severely handicapped children are to be provided special education services beginning at birth). These children are operationally defined as those functioning 50% or more below normal expectancy for their age. These may be: deaf and hard-of-hearing, visually handicapped, low incidence multihandicapped children (e.g., deaf-blind; retarded-cerebral palsied), autistic, and other children failing to thrive from birth.

Maximum Age--Each eligible exceptional child has a right to 12 years of public schooling beginning at age 6 (as provided by state regulations for entrance to first grade) and terminating upon completion of a secondary program through awarding of a diploma or a certificate of attendance and completion. However, additional service through age 21 is required if the student has not completed a secondary program.

Oklahoma School Law (70-5-132) states that any person over the age of 21 and under the age of 26 who has not completed the 12th grade shall be given educational privileges if he/she was unable to attend school because of *military service or physical disability*. This extended time to age 26 years is for the exact number of days he/she missed because of military service or physical disability.

2. Length of School Day

A school day for children enrolled in special education is determined by the needs of the child. Most exceptional students will attend school the same length of time as nonhandicapped students. However, when a child is unable to attend school on a full-time basis, the length of his/her school day may be determined by the IEP/placement team. The child shall be counted for full average daily attendance for state aid.

3. Service Delivery

a. Program Definitions

One of the following types of service delivery must be recorded for each objective on the IEP under the column entitled "Specific Educational and Related Services". This assists in making clear to all parties the situation in which an objective will be taught. (Refer to instructions regarding completion of the IEP Form on pp. 47-52.)

Institutional Program--Residential

This type of service delivery occurs when a child resides in an institution for care and treatment as well as for educational purposes.

Institutional Program--Hospital

This type of service delivery occurs when a child is in a hospital setting receiving treatment as well as receiving an educational program.

Home-Based Programs

The home-based type of service delivery permits instruction for the identified handicapped child outside the school setting. The child must be of legal school attendance age and unable to participate in a school-based program due to his/her handicapping condition. The instruction must be provided by a special education teacher certified in the child's handicapping category. This program will be considered as an extension of the district's special education program and the district will assume responsibility for its funding. The IEP must reflect the amount of time spent on short-term instructional objectives constituting the program, including the related services needed by the child in order to benefit from special education. The attendance for said child shall be entered in the appropriate register by the local school. This child shall be counted for full average daily attendance for state aid, providing established procedures have been followed in (1) evaluation, (2) eligibility determination, and (3) development and implementation of an appropriate IEP.

Special Day School Program

This type of service delivery occurs when a child attends a special day school program at a location other than the regular school setting (e.g., a child who attends a cooperative program at a separate facility; a child who attends a state school, such as the School for the Deaf or the School for the Blind on a day school basis, returning home each day; or a child who is placed by the LEA in a private accredited day school which provides special education services).

Self-Contained Special Class Program

A self-contained type of service delivery means a child must spend the majority of his total educational program in a special education class. A student served in this capacity requires most of his academic instruction to be provided by special education teachers (e.g., a child is served 4 periods per day in special education classes and 2 periods per day in regular education classes).

Laboratory or Resource Room Program

A laboratory or resource room type of service delivery means a child can function successfully in regular classes, with or without adaptations, for the majority of his total educational program. A child served in this capacity would usually exhibit mild handicaps and would require leaving the regular classroom for specialized instruction in the lab or resource room.

NOTE: Class size for this delivery type is no more than 10 students at any one time.

Itinerant Teacher Program

This type of service delivery occurs when a special education teacher is not assigned to the same building every day. The itinerant teacher provides direct services to the student as stated on the IEP (e.g., a speech therapist who serves several buildings on different days).

NOTE: Caseload for the special education teacher remains the same as if the teacher served only one site and could be adjusted downward to allow for travel time.

Consultative Teacher Program (to the regular classroom teacher)

A consultation type of service delivery means a certified special education teacher acts as a consultant to the regular education teacher who has the child. The child served in this way would have very mild handicaps and could function successfully in the regular classroom with no direct special education services. The special education teacher would not provide direct services to the child, but instead would consult with the regular teacher. The special education teacher would be involved in the multidisciplinary evaluation, the placement meeting to develop the IEP, teacher conferences, and parent conferences. Special materials needed by the student would also be provided by the consultant. The consultant would be responsible to see that IEP objectives are carried out with proper modification in the regular class. The IEP should include a provision for the consultant to monitor the child's progress. The schedule of consultation periods between service providers (special education consultant and regular teachers) should be addressed as a short-term instructional objective in the IEP including the amount of time (i.e., once a week), beginning and ending date (i.e., August 8, 1990 to August 8, 1991), and evaluation procedures (consultation conference report forms, written consultation summaries, recommendations on assignment modifications agreed upon at conferences, etc.).

NOTE: A full-time self-contained or lab (resource room) teacher with a maximum caseload cannot act as a consultant for students served only in the regular classroom on an IEP. The special education teacher assigned full-time as an indirect service provider shall have a reasonable active case load of no more than 40 different students. Less than full-time shall be prorated [e.g., a teacher with two hours released time could serve 14 students (approximately 2/6 of 40) on a consultative basis].

b. Program Design/Modified Programs

Mixed Categories

Although special education students are typically served in programs designed for their handicapping category, children with different handicapping categories may be served in the same classroom when determined to be appropriate by the IEP team. However, the special education teacher designing and monitoring the IEP must have certification in the category of each child's handicapping condition.

Departmentalization

A school district may departmentalize special education instruction if needed to ensure appropriate programming.

To implement a departmentalized program, a full-time teacher must:

1. Teach no more than two subjects per day;
2. Teach no more than one subject per hour;
3. Have no more than 10 students per class period; and
4. Be responsible for no more than 25 IEPs.

Modified Programs

Since the basic concept of special education is an appropriate education for individual handicapped students, there may be exceptions to the aforementioned program designs. These exceptions may entail class size adjustments or a district may elect to implement an innovative program design. The State Department of Education encourages innovation and flexibility in the education of handicapped students. Examples of innovative alternative approaches would include cooperative learning, team teaching and other designs as outlined in the request for approval.

For permission to adjust a program to fit the needs of handicapped students within the school district, the school must obtain a letter of approval from the Special Education Section of the State Department of Education. The district must ensure that each program meets the individual needs as outlined in the IEP. In determining the appropriate program, the IEP team should consider the least restrictive environment, including age and functioning appropriateness, as well as consideration of any potential harmful effects to the child or the program. Copies of this letter are to be on file with the local district and the Department, and will cover only the current school year.

c. Private/Parochial Schools

If a private/parochial school is located within district boundaries, the LEA must:

1. Involve the private/parochial school in child find activities;
2. Provide the private/parochial school an opportunity to participate in CSPD activities (committee participation, needs assessment, etc.);
3. Involve a representative from the private school in the development, review and revision of an IEP for a handicapped child (enrolled in a private/parochial school) receiving special education or related service from the LEA. If a representative cannot attend, the local agency will use other methods to ensure participation by the private school, including individual or conference telephone calls; and
4. Give the appropriate representatives (private/public) a genuine opportunity to express their views regarding each matter, subject to the consultation requirements.

4. Discipline

OSEP and OCR have summarized the procedures and requirements under EHA, Section 504 of the Rehabilitation Act of 1973, and the Honig v. Doe Supreme Court Decision relating to changes in a special education student's placement for disciplinary reasons.

If the student exhibits behavior that endangers that student or others, then the school's normal procedures for such situations may be used, including the following:

- Counseling
- Use of study carrels
- Timeouts
- Detention
- Restriction of Privileges
- Behavior Intervention Plan

107

Such techniques are discussed in detail under the Classroom/Individual Management section of *Serving the Emotionally Disturbed Child in Oklahoma*. Other suggestions appear in *Serving the Learning Disabled Child in Oklahoma* and *In the Mainstream - Cooperative Planning and Programming For Handicapped Students*. Discipline problems that may be anticipated or have been experienced repetitively should be addressed by the IEP team on an individual basis.

If the special education student's misconduct warrants the consideration by the school for suspending the student under applicable discipline policy, the following procedures shall be followed:

Suspension for 10 Consecutive School Days or Less

If the student poses an immediate threat to the safety of others, school officials may temporarily remove that student for up to 10 school days. No prior determination by the IEP team of whether the student's misconduct is a manifestation of the handicap is required for this type of short-term removal.

Such removal shall be conducted in accordance with applicable school disciplinary policy and procedure, including all due process rights afforded any student in this situation.

During a 10-day suspension, school officials may initiate a review of the student's IEP, seek to persuade the parents to agree to an interim placement, or invoke the aid of the courts to remove a student whose parents refuse to permit any change in placement.

If such civil action is brought by the school, the burden is on the school to demonstrate that this removal should occur because:

1. the use of the due process hearing procedures under pp. 75-77 of this manual would be futile or inadequate, and
2. maintaining the student in the current placement is substantially likely to result in injury to the student or to others.

Suspension for More Than 10 Consecutive School Days

Suspension of a special education student for more than 10 consecutive school days constitutes a change of placement. Prior to implementing such a change in placement, the IEP team must first convene in accordance with pp. 41-46 of this manual and determine if the student's misconduct is a manifestation of the handicapping condition or due to an inappropriate placement. In making this determination, the IEP team must consider all pertinent information, including current standardized assessment data. Additional assessment may be necessary before the IEP team can make this decision [see also Notification of Meeting (SDE Form 6), Record of Parent Contacts (SDE Form 7), IEP (SDE Form 9), Review of Placement/IEP (SDE Form 10)].

If the student's misconduct is determined to be a manifestation of the handicapping condition, or due to an inappropriate placement, or both, then the student may not be suspended or otherwise excluded for more than 10 school days.

If the IEP team determines that the student's IEP or placement should be changed, the parents must be provided with written prior notice in accordance with pp. 5-6 of this manual and be given at least 10 calendar days for response, as necessary [see also Notification of Meeting (SDE Form 6), Record of Parent Contacts (SDE Form 7),and IEP (SDE Form 9)].

If the IEP team determines that the student's misconduct is not a manifestation of the handicapped condition nor due to an inappropriate placement, and suspension for more than 10 consecutive

105

school days is proposed, the parents must be provided with written prior notice in accordance with pp. 5-6 of this manual and be given at least 10 calendar days for response before this suspension is implemented [see also Notification of Meeting (SDE Form 6), Record of Parent Contacts (SDE Form 7), and IEP (SDE Form 9)].

Educational services shall not be terminated during this period of suspension. The IEP team will determine appropriate educational services to be provided and record these in the IEP, including any change to a more restrictive placement.

If the parents request a due process hearing to challenge this proposed suspension, the suspension may not be implemented by the school over the parent's objection until all due process hearing and judicial review proceedings have been completed.

The school may invoke the aid of the courts to remove a student whose parents object to any proposed interim placement. Alternate placements proposed by the school to control the student's misconduct must be determined in accordance with the school's obligations to provide the student with a free appropriate public education in the least restrictive environment.

Serial Suspension

OCR has determined that a series of separate suspensions during the school year that total 10 school days or fewer is not considered to be a "significant change in placement." A series of separate suspensions during the school year that, in total, exceeds 10 school days is likely to be considered a "significant change in placement."

Consequently, the factors that should be considered in determining whether a series of suspensions has resulted in a "significant change in placement" are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the child is excluded from school. A series of suspensions that result in a "significant change in placement" requires completion of the same steps listed under "Suspension for More Than 10 Consecutive School Days."

5. Grading/Transcripts

Grading

There is one definite rule for grading students in all special education categories: There must not be any discrimination in the system of grading. That is, if all students in a school are graded by the A, B, C, etc., plan, special education students will also receive A, B, C, etc. In recording grades on a permanent record, such as a transcript, there must not be any reference to the student's placement in special education.

EHA requires provision of a free, appropriate public education to all special education students. The IEP team must address grading considerations in the IEP as appropriate. Some suggestions:

1. Grades should never be given as motivation (A's) or punishment (F's).

2. A student should *earn* the grade through completion of IEP objectives. Too easy a program may result in too many A's and too difficult a program may result in D's or F's. A program should be planned on the level where the child is functioning, but the teacher should always be alert to expand this level upward.

3. Students should not be placed in academic subject classes beyond their ability because of an inflexible school schedule.

Parents must understand grading in special classes. They need to be told where the student is functioning and what is being learned, rather than relying on report card "grades" to understand progress.

The teacher who has the student for a period should give the grade for that time. If the grade will go on one regular report card, the special teacher and regular teacher should confer. If the regular teacher objects to giving a "passing" grade to a student who is not in his/her class, both teachers could sign the report card. Since separate report cards are given on the secondary level, there should be no problem.

A student in special education can get a failing grade. He/she cannot fail because the academic level is too high (that would not be an appropriate program), but failing grades may be given because of refusal to do work within capability and/or poor attendance. However, when failure does appear, consideration should be given to addressing the problem on the IEP with the idea of alleviating it.

Additional suggestions regarding grades appear in *Serving the Emotionally Disturbed Child in Oklahoma* and *Serving the Learning Disabled Child in Oklahoma*.

Transcripts

A student's transcript must not contain any information which is considered to be confidential. This would include any reference to special education placement or categories, special services, test information or reference to handicapping conditions.

6. High School Special Education

Units Required for Graduation

Twenty (20) units are required for graduation. Fourteen of the 20 units required shall be earned in the 10th, 11th, and 12th grades. Six units may be earned in the 9th grade.

Local IEP teams may, for individual students, use the following modified course names to allow *realistic educational programming* for handicapped youth:

1. Communication Skills--4 units
2. Social studies--2 units (This fulfills the requirement for American History--1 unit, and Oklahoma History--1/2 unit and World History--1/2 unit.)
3. Science--2 units (One unit must be a laboratory science.)
4. Computation Skills--2 units

Ten units of the required 20 units shall be chosen from the following:

1. Co-op Training (work experience or on-the-job training) (Maximum 3 units per school year)
2. Vocational and Technical Education (Maximum 3 units per school year)
3. Home Training
4. Vocations

110

    5. Physical Education

    6. Arts and Crafts

    7. Music

    8. Industrial Arts/Technology Education courses

    9. Others as appropriate

7. Diplomas

   Prior to the end of the spring semester of the 8th grade school year, the IEP team will determine, for every special education student, a goal for completion of an appropriate secondary education program. For students in the 9th or 10th grade during the 1990-91 school year, such a determination will also be made by the IEP team. Completion of a secondary education program may be accomplished by the student through meeting all requirements for a diploma or a certificate of attendance and completion.

   Effective September 1, 1992, obtaining a diploma will require successful completion of all units of course study required by the State Board of Education and a passing score on all sections of the State-adopted competency examination, pursuant to the Oklahoma School Testing Program Act. The certificate of attendance and completion will require successful completion of all units of course study required by the State Board of Education.

   For each type of secondary program, schooling for the special education student through the age of 21 is permitted if necessary for completion of the secondary education program selected by the IEP team. Schooling through the age of 21 for all special education students is not necessarily required, however. The IEP team will be responsible for selecting the type of secondary program which is appropriate based on the individual educational needs of the student. The type of secondary education program selected may be changed, as appropriate, by the IEP team. The IEP team shall also develop and write appropriate educational objectives geared to completion of the secondary education program selected, including all appropriate modifications required in the regular classroom. Thorough documentation in the student's transcript and IEP, including completion of the IEP "Evaluation Procedures" and "Objective Achieved" columns, is required to determine if an appropriate secondary education program has been completed.

8. Special Vocational Education

   Programs

   In addition to regular vocational-technical programs, IEP teams may select from the special programs listed below. Such programs are available for freshmen, sophomores, juniors, and seniors. The students must be properly identified and have an IEP on file indicating enrollment in these programs. If vocational education is to be a part of the student's IEP , a representative of vocational education should be on the IEP team, and the instructor of the vocational program should have access to a copy of the IEP when the handicapped student enters the vocational program. The special programs are designed for students with special problems only (for freshmen, sophomores, juniors, and seniors).

Course	Year(s)	Semester(s)	Unit(s)
Building Maintenance Training	9, 10, 11 or 12	2	3
Introduction to Vocational Careers	9, 10, 11 or 12	2	3
Home, Business and Industrial Services	10, 11 or 12	2	3
Occupational Services	9, 10, 11 or 12	2	3

Students in the trade and industrial day-trade programs shall not receive compensation for work on live projects unless they have been formally assigned to a contractor, shop owner, etc., in their senior year (second semester) for on-the-job training. They must report to their trade and industrial class for theory. The trade and industrial day-trade teacher will regularly supervise assigned students on their jobs. These assignments will be coordinated by the teacher, the local administrator, and the state supervisor of trade and industrial education.

Transition

Transition is defined as a planned program to span the gap from high school to the world of work. Critical characteristics of an appropriate secondary program include (a) functional curriculum, (b) least restrictive environment, and (c) community-based service delivery.

Special education curriculum in a senior high school may include transition programming through the following methods:

1. Self-contained and/or lab program following state guidelines. The program will be developed according to individual student's needs as to the amount of time "mainstreamed." This type of program may offer vocational-technical services for half of the day.

2. Cooperative work/study program: an agreement between the school district, the Rehabilitation Services Division of the Department of Human Services and the State Department of Education. Each participating school district will have a special education teacher and a vocational rehabilitation counselor assigned to the program to provide the coordinated services of both agencies. The teacher spends a portion of the school day in securing jobs for the students, supervising students on the job and making home visits. The students in this program can earn three cooperative training units per school year. This can be a good method of providing an appropriate transition program between school and the community.

   Not all students enrolled in this program will necessarily be on a work schedule.

   The teacher/coordinator may supervise 25 students in the field work part of the program. These students may or may not be the same students carried on the coordinator's academic class roll.

3. A school work/study conducted by the teacher without the signed cooperative agreement between the school and state agencies as mentioned in No. 2 above. The teacher will still secure jobs, supervise job placement and make home visits. Vocational rehabilitation services will be available upon request.

Local Education Agency Collaborative Efforts Required Through Other Agency Law/Policy

1. Carl D. Perkins Vocational Education Act (Public Law 98-524)

   Section 204, Part A of this act sets forth criteria for services and activities for serving handicapped individuals. It states, "The State Board of Vocational Education shall provide assurances that:

a. Equal access will be provided to handicapped individuals in recruitment, enrollment, and placement activities;

b. Equal access will be provided to handicapped individuals to the full range of vocational programs (available to all others), including occupationally specific courses of study, cooperative education, and apprenticeship programs; and

c. Vocational education programs and activities for handicapped individuals will be provided in the least restrictive environment in accordance with section 512 (5) (B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the Individualized Education Program."

In addition, each local agency "shall provide information to the handicapped students and parents of such students concerning the opportunities available in vocational education *at least one year* before the students enter the grade level in which vocational education programs are generally first available, but in no event later than the beginning of the *ninth grade*, together with the requirements for eligibility for enrollment in such vocational education programs."

Section 204 continues, "each handicapped student who *enrolls* in vocational education programs shall receive:

a. Assessment of interests, abilities and special needs of such students with respect to completing successfully the vocational education program;

b. Special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs identified above (item No. 1);

c. Guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provision of such special services; and

d. Counseling services designed to facilitate the transition from school to post-school employment and career opportunities."

2. The Rehabilitation Act of 1973 (Public Law 93-112) and amendments

    a. The procedure for the designing and delivery of special education services should include a *vocational rehabilitation counselor* and others appropriate for the transitional planning of the IEP and IWRP.

    b. This meeting should be held during the junior or senior year, but certainly no later than the first semester of the senior year.

    c. It is the responsibility of the local school district to refer the handicapped student(s) to the area vocational rehabilitation counselor by the time the student reaches age 16. The RESCs and the county DHS offices have a list of vocational rehabilitation counselors in Oklahoma. The vocational rehabilitation counselor will determine eligibility for services from vocational rehabilitation.

    d. It may not be possible for the vocational rehabilitation counselors to attend all formal IEP meetings, but they will make themselves available to the schools in their respective areas for the purpose of collaborating in this transitional planning for the services needed in the IEP/IWRP. These services should be designed to facilitate the transition from school to post-school employment and career opportunities.

3. Service Delineation as Outlined in the Oklahoma Interagency Cooperative Agreement

Age ranges and grade levels will vary, depending on the level of need or severity of handicap. The following service profile chart for occupational preparation includes minimal instructional components, age ranges, levels, and agency responsibility:

INSTRUCTIONAL COMPONENTS	AGE RANGE	GRADE LEVEL	RESPONSIBLE PROGRAM
Personal Adjustment (daily living skills)	11, 12, 13	6th, 7th, 8th	Special Education (with consideration by Vocational Rehabilitation)
Prevocational Evaluation and Education	11, 12, 13	6th, 7th, 8th	General Education Special Education (with consideration by Vocational Education and Vocational Rehabilitation)
Vocational Training	14 and above 14-21 16 and above[1]	9th-12th 9th-12th 9th-12th	Vocational Education* Special Education Vocational Rehabilitation
Job Placement and Follow-up	16 and above Program completers 16-21		Vocational Rehabilitation Vocational Education Special Education
Adult Training[2]			Vocational Rehabilitation Vocational Education

[1] Eligibility for traditional vocational rehabilitation services is not based solely on age. However, agency policy states that clients should reach employment age by completion of the IWRP.

[2] Dropouts are included in the adult training program.

*In 9th grade and above, vocational training can be provided through LEA vocational programs such as shop, horticulture, home economics and vocational agriculture.

9. Teacher Certification and Salary

Certification

The State Board of Education has approved the standards for a five-year standard, a three-year provisional, and a one-year emergency certificate for teachers in special education. The exact requirements to meet these standards are in the *Teacher Education, Certification and Assignment Handbook*. If there are any questions concerning this, consult with the Certification Section of the SDE.

To qualify as an instructor of exceptional children, a teacher must hold a valid special education teacher's certificate. Special education teachers of handicapped students must be certified in the disability area of the students for which they design and monitor IEPs. Special education teachers assigned to teach multihandicapped students must be certified in at least two disability areas.If paid with federal monies, teachers of the multihandicapped must also maintain placement on the Multihandicapped Teacher Registry kept by the SDE. Contact the Coordinator of Deaf-Blind/Multihandicapped for specific criteria regarding this registry.

Special education teachers are qualified to teach, in their areas of certification, *all eligible school age* handicapped students. Certification is for N-12: nursery through twelfth grade. "Visiting Counselor" means a liaison between the home, school, and community agencies. The counselor must hold a valid Oklahoma Visiting Counselor's Certificate. It is recommended that minimum case loads for program approval are as follows: full-time program 250; part-time, in proportion.

Special education teachers may give credit for the subject taught (e.g., on the secondary level, a student may receive credit in English, math, etc., if the special teacher is responsible for these subjects.) Special teachers should cover material, as appropriate, in the assigned subject area since students have the right to obtain *knowledge* on the level on which they function. A *broad curriculum* can be developed for all handicapped students.

Salary

State law provides that the teacher of special education shall be paid a minimum of five percent above the prevailing wage paid teachers of normal children in the same school district.

10. Textbook Funding

Textbook funding allotments include all the children in a school district. If the textbook list does not contain appropriate material for handicapped children, application may be made to the Textbook Section of the SDE for permission to spend the money generated by these children on appropriate materials not on the textbook list. (H.B. 1140, Section 13) No funds shall be provided for students attending special education classes less than two hours per day. Those attending two hours or more per day, but less than four hours, shall receive a one-half allocation. Those attending special education classes for four or more hours per day shall receive full allocation.

F. Least Restrictive Environment

Each public agency shall ensure that:

1. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; and
2. Special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
3. A continuum of alternative placements is available to meet the needs of handicapped children for special education and related services. The continuum available for consideration will include:
    a. Regular classroom with special consultation to the regular teacher provided by a certified special education teacher;
    b. Regular classroom supplemented by the services of an itinerant teacher;
    c. Regular classroom supplemented by the services of a resource room teacher;

d. Part-time special education (i.e., services for students who require instruction in special classes, but participate with nonhandicapped students in all activities appropriate for the child);

e. Full-time special education (i.e., self-contained special classes);

f. Special day schools;

g. Home-based instruction;

h. Residential schools; or

i. Hospital school programs.

4. Each handicapped child's educational placement is determined at least annually (based on his or her IEP), and is as close as possible to the child's home.

5. The various alternative placements included in No. 3 above are available to the extent necessary to implement the IEP for each handicapped child.

6. Unless a handicapped child's IEP requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped;

7. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs; and

8. In providing or arranging for provision of nonacademic and extracurricular services and activities, each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child.

The central concept underlying the least restrictive environment mandate is this: the handicapped student must be placed in the least segregated environment in which an appropriate educational program can still be delivered. The handicapped child's educational environment should not deviate from that made available to nonhandicapped children except to the extent that the individual educational needs of the child dictate the change. This requires a determination by the placement team of what the maximal level of integration can be for each handicapped child, individually, in view of his or her handicapping condition. As stated in the comment to (34 CFR 300.552), "the overriding rule in this section is that placement decisions must be made on an individual basis."

The least restrictive environment mandate requires a continuum of alternative placements for consideration. As depicted under No. 3 of this part, placement of a handicapped child in the regular classroom on a full-time basis is but one point along the continuum. Thus, least restrictive environment is not synonymous with full-time regular classroom instruction (sometimes referred to as "mainstreaming").

Documentation of Least Restrictive Environment

Prior to placement, a determination must be made by the placement team regarding the maximal level of integration appropriate for the handicapped child. If the team determines that, as a result of the child's nature or severity of handicap, the child requires removal from the regular educational environment, the team must justify in writing the reason(s) for such removal. Such justification would include why education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The use of the Referral for Evaluation form (SDE Form 2) requires a written explanation concerning these aids and services used/proposed, or not used/proposed, to supplement to instruction in the regular classroom for the handicapped or purported-to-be handicapped child.

The IEP form (SDE Form 9) requires written justification for those children requiring removal from regular classes, including children who require instruction in special education classes on only a part-time basis. This IEP form requires the following to be addressed specifically: participation in physical education, vocational education, nonacademic/extracurricular services and activities, and adaptations in the regular classroom which are or are not required. Proximity of placement, potential harmful effects of placement, maximum level integration with nonhandicapped, and written justification for separate facilities are also addressed. As the least restrictive environment for each child may change over time, the Review of Placement/IEP form (SDE Form 10) requires written explanation for any changes in placement determined to be appropriate by the IEP/placement team, including placement in more restrictive settings.

G. Confidentiality of Information and Education Records

EHA and FERPA provide requirements concerning the collection, storage, disclosure, and destruction of personally identifiable information and education records. (34 CFR 300.560-300.576 and 34 CFR 99.1-99.67) Each educational agency or institution shall develop and implement a local policy regarding the confidentiality of all personally identifiable information and education records. The local policy shall be in accordance with all relevant federal regulations and State Statutes or Standards including the EHA, FERPA, General Education Provisions Act, Oklahoma Statutes, and the Oklahoma State Plan for Education of the Handicapped.

Educational agencies and institutions shall annually notify parents of their rights concerning educational records and shall make the local policy available to the public through newspapers, media, student handbooks or other means of publication and dissemination. This public notification would be accomplished at the time of policy implementation and upon any subsequent revisions or updates of local policy.

Copies of a written policy, adopted by the educational agency or institution, shall be made available to parents or eligible students upon request.

Local policy must include the following:

1. How parents and eligible students are informed of their rights regarding confidentiality and education records;

2. How parents and eligible students may inspect and review education records (i.e., procedures parents and eligible students must follow to inspect and review records, access to records and requests for copies, schedule of any fees to be charged for copies, and a list of types and locations of education records maintained with titles and addresses of officials responsible for the records);

3. A statement addressing prior written consent of the parent or eligible student for release of personally identifiable information, except under certain conditions as provided in federal regulations;

4. Criteria for school officials or personnel with legitimate educational interest for disclosure of information;

5. A statement that a record of disclosures will be maintained and that parents or eligible students may inspect and review that record;

6. Specification of types of information which the agency or institution has designated as directory information; and

7. A statement permitting parent or eligible student requests for correction of a student's education records, to add statements to the records, and to obtain a hearing under FERPA.

Annual notification to parents or eligible students currently in attendance must include a statement that the parent or eligible student has the following rights to:

1. Inspect and review the student's education records;

2. Request amendment of education records to ensure that they are not inaccurate, misleading, or in violation of the student's privacy or other rights;

3. Consent to disclosures of information in education records, except where consent is not required to authorize disclosure;

4. File complaints with the U.S. Department of Education concerning alleged failures to comply with confidentiality requirements; and

5. Obtain a copy of local adopted policy.

6. Notification methods shall be effective for parents and eligible students whose primary or home language is other than English.

Parents and eligible students have certain rights concerning education records. These rights are as follows:

1. Except as limited under 34 CFR 99.12, parents or eligible students shall be permitted to inspect and review the education records of the individual student;

2. Receive response to requests for access to records without unnecessary delay and before any meeting regarding an IEP or due process hearing related to the identification, evaluation or placement of a child, but in no case more than 45 days after the request is received;

3. Receive response to reasonable requests for explanations and interpretations of the records;

4. Request and receive a copy of the records if failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review the records. A minimal fee for copies of the records may be charged, if the fee does not effectively prevent the parent or eligible student from effectively exercising their rights. Fees may not be charged to search or retrieve education records of a student.

5. Education records shall not be destroyed if there is an outstanding request to inspect and review these records;

6. Eligible students who are prevented from access to treatment records under 34 CFR 99.3 may have those records reviewed by a physician, psychologist, or other appropriate professional of the student's choice; and

7. Parents have the right to have their representative inspect and review the records.

"Parent" includes a student's natural parents, guardian, relatives or stepparents with whom a child lives, or individuals such as surrogate parents acting as a parent in the absence of a parent or guardian. (34

118

CFR 300.10, 300.514, and 99.3) An agency may presume that the parent has the authority to inspect and review records relating to a child unless the agency has been advised and provided with evidence that the parent does not have such authority (i.e., court order, State Statutes, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights).

"Eligible students" who have reached the age of majority (18 years of age) or who are attending an institution of postsecondary education shall have rights to inspect and review records, except where otherwise indicated by federal regulations, State Statutes, or court orders.

Each local education agency will define "directory information" in accordance with 34 CFR 99.2. Directory information may be disclosed WITHOUT written parent permission if public notice has been given to parents and eligible students in attendance. Parents or eligible students in attendance may notify the agency or institution in writing that any or all types of information otherwise designated as directory information is not to be designated as directory information for the individual student. Directory information may include:

1. Student's name;
2. Address;
3. Telephone listing;
4. Date and place of birth;
5. Dates of school attendance, names of schools, and locations;
6. Participation in officially recognized activities and sports; and
7. Degrees and awards received.

"Education records" includes those records that are directly related to a student and maintained by an educational agency or institution. The term does NOT include: records of personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to others; law enforcement records not disclosed to educational agencies or personnel; student employee records; and treatment records (on students 18 years of age or older, or attending a postsecondary education institution) made or maintained by physicians, psychiatrists, psychologists, or similar professionals only for this purpose. Education records may include:

1. Cumulative records:

    a. Transcripts;
    b. Group administered achievement and aptitude test scores; and
    c. Health records (e.g., immunizations, diseases, allergies, etc.).

2. Special education records:

    a. Evaluation reports and prescriptive learning plans from RESCs;
    b. Special reports, recommendations and observations of professionals who have individually screened, assessed, and/or evaluated a child for identification of a handicap or placement in a special education program (i.e., psychologist, psychometrist, physician, etc.);
    c. Special reports from outside agencies or specialists (i.e., private schools, social service agencies, rehabilitation agencies, hospitals, etc.);
    d. Special education documentation forms:

        (1) Confidential Record Access Sheet
        (2) Referral for Evaluation
        (3) Parent Permission for Evaluation
        (4) Multidisciplinary Evaluation Team Summary (and evaluation reports)
        (5) Learning Disabilities Evaluation Summary
        (6) Notification of Meeting

(7) Record of Parent Contacts
(8) Categorical Eligibility Statement
(9) Individualized Education Program
(10) Review of Placement/IEP
(11) Confidentiality Procedures
(12) Authority to Transfer Education Records
(13) Consent to Release Information (Third Parties)
(14) Surrogate Parents-Verification of Training
(15) Medical Information Form
(16) Eye Report for Children with Visual Problems
(17) Audiogram for Children with Hearing Impairments

e. Documentation of all actions, protests, meetings, challenges and recommendations by the parents/ guardians and/or schools for evaluation, eligibility, placement, and/or IEP purposes; and

f. Videotapes and audiotapes of a child in relation to special education services.

All confidential special education records for handicapped students will be kept in a separate folder and not in the child's regular school cumulative folder. These records will be kept in a secure, locked area. To facilitate the updating process, individual files should have information arranged in chronological order, with the current or most recent individualized education program and other documents at the front of the folder.

Each LEA/public agency shall provide to parents, on request, a list of the types and locations of education records collected and maintained by the LEA. Confidentiality procedures are to be posted around each school building at strategic locations.

One person in each local agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information. Persons collecting or using personally identifiable information shall be trained by the local agency annually in confidentiality policies and procedures. Each agency shall maintain, for public inspection, a current listing of the names and positions of those employees who may have access to confidential information. The following persons have access to the records when they have a legitimate educational interest:

Special education teacher
Regular teacher
Administrator and designated administrative personnel
Counselor (including vocational rehabilitation)
State Department of Education personnel
Vocational-technical education personnel
Parents/guardian/surrogate parents
Student (if appropriate and 18 years old)
Paraprofessionals/Teacher Assistants
Registered Physical Therapists
Physical Therapist Assistants
Occupational Therapists
Certified Occupational Therapist Assistants
School psychologists and psychometrists
Speech and language pathologists/therapists
School nurses
Social workers

120

Other related service providers as appropriate
Student teachers

Unauthorized persons must have parental permission to access confidential records. A form must be kept in each handicapped student's folder to record who accessed the records, on what date, and the purpose.

"Disclosure" of education records or personally identifiable information contained in those records means to permit access to or the release, transfer, or other communication to any party by any means, including oral, written or electronic means. An educational agency or institution may disclose personally identifiable information from a student's education record to other school officials, including teachers, within the agency or institution; to officials of another school system or postsecondary education institution where the student seeks or intends to enroll; to state and local educational authorities; to accrediting and monitoring personnel; and to the Comptroller General of the United States or the Secretary of the U.S. Department of Education. The Authority to Transfer Education Records form (SDE Form 12) may be used for this purpose. Any other disclosure will require written parent/eligible student consent in accordance with FERPA. SDE Form 13, Consent to Release Information (Third Parties), may be utilized to meet this requirement. The disclosure or transfer of confidential records used to provide special education shall be made according to LEA policy. The LEA policy should include the method of transfer of records to another LEA and circumstances which require written parental permission before disclosure or transfer.

The SDE may maintain, give access and/or release personally identifiable data to other agencies in order to facilitate monitoring placements; provisions of services for children in need of special assistance or prolonged assistance; and to enforce legal requirements. Should a participating agency need to disclose personally identifiable data other than for the purpose of which the data has been collected, the agency shall first obtain informed parent consent.

Regardless of the location for delivery of services, (in-district, cooperative, out-of-district, public or private institution, etc.) the LEA shall maintain confidential records for all residents receiving special education. The LEA which is the district of residence should maintain one complete, master file for each handicapped child receiving special education. Other service providers may maintain IEPs and copies of relevant information in a secure manner. Special education cooperatives, programs to which children are transferred, and related service providers are examples of providers that may maintain duplicate information in additional confidential files. However, the district of residence is responsible for documents which ensure that the handicapped child is receiving a free, appropriate public education.

All confidential records will be maintained for at least five years from the time they are generated. (34 CFR 76.730-76.734) After five years and determination that the records are no longer needed to provide educational services, these records may be destroyed. When the information has been determined to be no longer needed, the LEA must destroy the records upon parent requests. (34 CFR 300.573) However, a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Parents must be notified 60 days before destruction and will be offered the opportunity to obtain the documents.

NOTE: To facilitate recordkeeping, the Confidential Record form (SDE Form 1) contains an area for noting when a child is no longer enrolled at an LEA. This will assist in documentation of "inactive file status" for confidential folders of handicapped students.

Parents may request amendment of records. A parent who believes that the educational information/records collected, maintained, or used are inaccurate, misleading, or violate the privacy or other rights of the child may request the school district to amend the records. The LEA shall decide whether to amend the information within a reasonable period of time after receipt of the request (45 days). If the LEA decides to refuse to amend the information, it shall inform the parent of the refusal and advise the parent of the right to a hearing.

On request, the LEA has a responsibility to provide an opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. A hearing to challenge information in educational records shall be conducted according to procedures stated in FERPA. (34 CFR 99.22)

If, as a result of the hearing, the LEA decides that the information is inaccurate, misleading, otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parents in writing. If, as a result of the hearing, the LEA decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records maintained on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the LEA . Any explanation placed in the records of a child shall be maintained by the LEA as part of the records as long as the record or contested portion is maintained by the LEA. If the records of the child or the contested portion are disclosed by the LEA to any party, the explanation must also be disclosed to that party.

H. Step-by-Step Service Delivery Procedures

Step 1. . . SCREENING

All children are to be screened. Screening is to be conducted by the local education agency, Regional Education Service Center, or other agencies (see p. 65).

Step 2. . . REFERRAL

All children with suspected special needs are to be referred. Referrals are to be initiated by a school, a parent, or other agencies (see pp. 3-5).

Step 3. . . EVALUATION

Following screening and referral, each handicapped or purported-to-be handicapped child will be individually evaluated by a multidisciplinary evaluation team AFTER written parental consent is obtained and parents have been given a written statement of their rights (see pp. 29-37).

Step 4. . . CATEGORICAL ELIGIBILITY

Within 15 school days of receipt of comprehensive evaluation results, a multidisciplinary evaluation team must:

1. complete the Multidisciplinary Evaluation Team Summary form;
2. complete the Learning Disability Evaluation Summary form (only when a student is suspected of having a specific learning disability);
3. complete the Categorical Eligibility Statement form in order to document the process of explanation to parents of their child's evaluation results and determination of eligibility for special education services (see pp. 40-41).

Step 5. . . INDIVIDUALIZED EDUCATION PROGRAM/PLACEMENT TEAM

Within 30 calendar days of declared categorical eligibility, an individualized education program team must write an IEP before physical placement of a child is made and services begin (see pp. 41-52).

Step 6. . . REVIEW OF INDIVIDUALIZED EDUCATION PROGRAM/PLACEMENT

At least annually, an individualized education program team must meet to review the IEP and placement, and a new IEP is written. A review may be conducted more often as needed, and the IEP revised as necessary (see pp. 42-43).

Step 7. . . REEVALUATION (Repeat Steps 2, 3, 4, 5, 6)

All handicapped children must be evaluated at least every 3 years according to procedures outlined on pages 29-37. Written parental permission is required prior to each evaluation (see pp. 33-34).

I. Evaluation

Consent for Evaluation

After screening, referral, and parent consent each handicapped or purported to be handicapped child will be individually evaluated to determine eligibility for special services.

Parent Permission for Testing

When there is reason to believe that a child is in need of special education services and such a child becomes the subject of individual evaluation procedures (formal testing, informal assessment), then *advanced written permission* for such procedures to be used shall be obtained from the parents. The notice requesting permission for such testing shall contain the following:

The reason the evaluation has been requested, options proposed, and the name of the person who initiated the process;

A statement of the right to refuse to permit the evaluation, with the understanding that the LEA can request a hearing to present its reasons and try to obtain permission for the evaluation;

A declaration that the child's educational status will not be changed without the knowledge of the parent, or until the notice and due process procedures have been exhausted; and

A written statement of parents' rights in the special education process.

Parents' Refusal

If the parents refuse to give permission for an evaluation, the LEA should attempt to seek resolution through individual conference(s). If the parents continue to refuse consent for the proposed evaluation, the school/public agency may request a due process hearing to obtain a decision to allow the evaluation without parental consent. The parent must be notified of this action and the parent is entitled to all due process hearing rights.

Comprehensive Evaluation

The purpose of evaluation is to determine the presence of a handicapping condition which results in an educational deficit and the corresponding need for specially designed instruction. Evaluation data is utilized in program planning, including the determination of need for special education and related services.

NOTE: It is the responsibility of the LEA to ensure that a comprehensive evaluation is conducted. SDE Form 4 may be utilized for this purpose.

Assessment Safeguards

As required by federal regulations, the following conditions must be met regarding evaluation of a student prior to placement in a special education program:

1. Tests and other evaluation materials:

    a. Are provided and administered in the child's native language or other mode of communication unless it is clearly not feasible to do so;

    b. Have been validated for the specific purpose for which they are used; and

    c. Are administered by qualified personnel in conformance with state policies.

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

3. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure).

4. No single procedure is used as the sole criterion for determining an appropriate educational program for a child.

5. The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability.

6. The child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

7. Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

Assessment Components

The assessment of a child suspected of having a handicapping condition will be conducted by a multidisciplinary team. In order to provide a comprehensive view of the child from the perspective of the school and home, the following information must be obtained and considered in the evaluation process and placement decision:

SCHOOL INFORMATION will include, but not be limited to, an assessment of the following areas:

1. Educational functioning: An assessment will be made of the child's educational functioning in relation to the academic program of the school or age appropriate environment, and the results of this assessment shall be expressed in terms of both the child's strengths and weaknesses. The assessment should be comprehensive, using a full range of instrumentation and observations, including formal diagnostic tests and other appropriate and informal measurements.

2. Psychomotor and sensory development: An assessment also will be made of the child's psychomotor and sensory development, including audiological and opthalmological or optometric examination if deemed necessary. For deaf and hard-of-hearing children, age of onset and cause will be checked. For multihandicapped and orthopedically impaired children, information about the child's motor functioning is important to the assessment process. Evaluation of motor areas does not require referral from a physician (see pp. 39-40).

3. Normed adaptive behavior: An assessment also will be made of the child's adaptive behavior in the school setting based on observations and records and the use of normed adaptive behavior scales. Children who have a speech impairment as their primary handicap may not need an adaptive behavior assessment.

4. Social background history: The history may include existing pertinent data such as the student's medical records, reports from other provider agencies, reports of previous evaluations and cumulative records.

HOME INFORMATION will include:

1. Normed adaptive behavior in the home as perceived by his parents, guardians, or principal caretakers.

2. The sociocultural background of the child.

3. The child's health and developmental history.

Modification of Procedures for Children with Linguistic or Cultural Differences

No assessment will be attempted when a child is unable to respond to the tasks or behavior required by a test because of linguistic or cultural differences unless culturally and linguistically appropriate measures are administered by qualified persons. When appropriate measures and/or qualified persons are not available, diagnostic-prescriptive education programs will be used until the child has acquired sufficient familiarity with the language and culture of the school before a formal assessment is conducted.

Persons interpreting assessment information and making educational decisions will be qualified to administer the various measures and qualified to take cultural differences into account in interpreting the meaning of data from the home and the school.

When a child whose primary home language is other than English, the following conditions must be met:

1. The examiner is fluent in both English and the primary language of the home; or

2. There is available to the examiner, an interpreter fluent in the primary language of the home; and

3. Tests used must contain sufficient nonverbal material to enable a valid, reliable decision to be made as to the individual's probable level of educational functioning.

Speech

More than one assessment procedure must be used to determine the existence of a speech and/or language impairment. This includes when speech is the primary handicapping category, as well as when it is a related service. Refer to *Speech and Language Guidelines in Oklahoma* for specific evaluation information.

Other considerations

For children who may benefit from an augmentive communication device or system, specific evaluation procedures must be followed. See pages 58-59.

Specific Examiner Qualifications

Individuals qualified to administer tests for possible placement in classes or programs for the *mentally handicapped* and for the *learning disabled:*

1. Psychiatrists
2. Licensed psychologists
3. Certified school psychologists
4. Certified school psychometrists
5. State merit board qualified examiners

For possible placement in a class or program for the *seriously emotionally disturbed*:*

1. Psychiatrists
2. Licensed psychologists
3. Certified school psychologists
4. Approved State merit board qualified psychologists (i.e., Psychological Assistant and Psychologist positions in certain state agencies)

For possible placement in a class or program for the *visually handicapped*:*

1. Ophthalmologists
2. Optometrists

* For intellectual and academic evaluations, qualified psychologists include licensed psychologists, certified school psychometrists, certified school psychologists, and approved merit board examiners.

For possible placement in a class or program for the *orthopedically impaired**:

1. Medical doctors
2. Osteopaths
3. Licensed Physical Therapists
4. Licensed Occupational Therapists

For possible placement in a class or program for *other health impaired**:

1. Medical doctors
2. Osteopaths
3. Certified speech pathologists
4. Licensed speech pathologists
5. Approved merit board speech-language pathologists

For possible placement in a class or program for the *speech or language impaired:*

1. Audiologists
2. Certified speech-language pathologists
3. Approved merit board speech-language pathologists
4. Licensed speech-language pathologists

For possible placement in a class or program for the *deaf/hard-of-hearing**:

1. Audiologists
2. Medical doctors

For possible placement in a class or program for the *multihandicapped**:

Combination of above qualified examiners, based on the child's specific concomitant impairments.

Reevaluation

The purpose of the reevaluation is to review the effectiveness of the student's special education program, determine whether the student can move into a less restrictive environment, and redetermine the handicapping condition.

Reevaluations must be comprehensive and include the required components of the initial evaluation. For those impairments other than mental retardation, learning disabilities, serious emotional disturbance and multihandicapped (if one of the impairments is retardation), the reevaluation would not necessarily include an intellectual assessment. If, on the previous evaluation(s), intelligence had been ruled out as related to the suspected disability, the multidisciplinary evaluation team would document such findings on the Multidisciplinary Evaluation Team Summary (SDE Form 4). This reevaluation must be conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation. A new Categorical Eligibility Statement (SDE Form 8) must be completed upon reevaluation.

A wealth of information on the student should already be present at the time of reevaluation. This historical information is vital to addressing the effectiveness of the special education program. Sources include: information from the previous evaluation; IEP goals and objectives (and the extent to which they have been achieved); teaching methods and materials previously used; information from past parent conferences about the student's adaptive behavior within the community and educational settings; and previously administered standardized achievement tests. A review of this historical information gives a perspective for the current assessment and determines the manner in which the reevaluation will proceed.

---

* For intellectual and academic evaluations, qualified psychologists include licensed psychologists, certified school psychometrists, certified school psychologists, and approved merit board examiners.

Results of the reevaluation should address the following questions:

1. Does the student continue to meet the criteria for eligibility relative to the specific handicapping condition?

2. What are the student's current educational needs?

3. Based on the student's current performance, are special education services still necessary, or can the needs of the student be met in a regular education program with supplementary regular education services?

4. What special or regular education services are recommended?

5. If the multidisciplinary evaluation team recommends continued eligibility, is a less restrictive environment recommended?

   If the multidisciplinary evaluation team determines that a student is not eligible for special education services and complete integration of the student into the regular education program is recommended, what steps are necessary to ensure a smooth transition?

6. What are the secondary level students' vocational education needs, and what steps are necessary to ensure a smooth transition to vocational or career placements after high school? [A vocational assessment (including vocational interest, aptitude, and adaptive behavior) is an integral component of the comprehensive assessment of secondary students.]

Independent Evaluation

"Independent evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

The LEA shall inform parents by providing a written statement and explanation of their rights (Parent Permission and Notification of Meeting forms) that they have the right to obtain an independent evaluation at public expense if they disagree with the evaluation provided by the local school district. However, the LEA may initiate a hearing to show that its evaluation is appropriate. If the hearing decision is that the evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense. The LEA should provide to the parents a list of where independent evaluations can be obtained. If the parent obtains an independent evaluation at his/her own expense, the results of the evaluation:

1. must be considered by the LEA in any decision made with respect to the provision of a free appropriate public education to the child; and

2. may be presented by either party as evidence at a hearing regarding that child.

If a hearing officer requests an independent evaluation as part of a hearing, the cost of the evaluation must be at public expense. Any and all evaluations conducted at public expense (including independent evaluations) must be conducted by personnel licensed and/or certified by the appropriate regulatory agencies and/or boards according to Oklahoma policies for special education.

Multidisciplinary Evaluation Team Summary

In order to document and carefully consider the comprehensive, individual evaluation findings, the school will complete a Multidisciplinary Evaluation Team Summary (SDE Form 4 may be used for this purpose). This form serves to integrate assessment information from various sources and professionals. All areas of assessment (according to the child's suspected disabilities), will be addressed on this form by the multidisciplinary evaluation team. Team composition may vary, based upon consideration of each individual child; however, the team must include a special teacher certified in the area of the child's suspected disability. Other evaluation team members which might be included could be persons who were involved in assessing the child's functioning in the areas of suspected disability. For example, a speech-language pathologist, physical therapist, remedial reading teacher, psychometrist, or school psychologist who conducts evaluations and/or provides knowledge about the meaning of the evaluation data might become a member of the multidisciplinary evaluation team for individual children. For children suspected of having a specific learning disability, additional team members are required and the Learning Disabilities Evaluation Summary will also be completed (see p. 39). Compilation of this information will assist the team in determination of the child's current educational needs, strengths and weaknesses, implications of the findings on the child's educational progress, and whether special education services are necessary.

The Multidisciplinary Evaluation Team Summary (and, where appropriate, the Learning Disabilities Evaluation Summary) will facilitate interpretation of the comprehensive evaluation results to the parents and explanation of any handicapping condition(s). Team determination of categorical eligibility for a particular handicapping condition and explanation to the parents is documented on the Categorical Eligibility Statement (SDE Form 8).

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS	CASELOAD **
Visually Handicapped	Ophthalmological Optometric Educational Intellectual* Adaptive	Corrected visual acuity of 20/70 or less, or visual field no greater than 20 degrees in the better eye, or a visual impairment which, even with the best correction, adversely affects performance in a regular class	25 lab 10 self-contained
Deaf-Blind***	Audiological Ophthalmological Educational Intellectual* Adaptive	Functional impairment in both hearing and vision so severe that they cannot be served in classes solely for deaf or blind	10 self-contained
Deaf/Hard-of-Hearing	Audiological Educational Intellectual* Adaptive	40 minimum decibel loss or hearing impairment which even with best correction adversely affects performance in a regular class	25 lab 15 self-contained
Multihandicapped	Educational Medical Intellectual Adaptive	Two or more impairments so severe that they cannot be served in programs solely for one of the impairments	10 self-contained
Mentally Retarded	Intellectual Educational Adaptive	Deficits in intellectual functioning and adaptive behavior	25 lab
Educable		I.Q. 50-75	15 self-contained
Trainable		I.Q. 30-50	10 self-contained
Orthopedically Impaired (Physically Handicapped)	Medical Educational Intellectual* Adaptive	Physically handicapped to the extent of needing special education	25 lab 15 self-contained

* On reevaluation, intellectual assessment may not be required. See the reevaluation section, pages 33-34.

** Caseload is based on a full-time special teacher. Less than full-time will be prorated.

*** A child categorized as deaf-blind should be referred to the Oklahoma State Department of Education to determine eligibility for certification and placement on the Title VI-C State and Federal Deaf-Blind Registry.

NOTE: "Educational" would include developmental information as handicapping condition/age appropriate.

NOTE: For those children referred for evaluation under "early childhood" guidelines, the evaluation must include developmental assessment. Refer to pages 59-63.

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS	CASELOAD**
Other Health Impaired	Medical Educational Intellectual* Adaptive	Chronic or acute health problems which adversely affect child's educational performance	25 lab 10 self-contained
Seriously Emotionally Disturbed	Psychological Educational Intellectual Adaptive	Emotional problems adversely affecting performance in regular class	25 lab 10 self-contained
Learning Disabilities	Educational Intellectual Classroom Observation Adaptive	Severe discrepancy between achievement and intellectual ability which is not correctable without special education and related services	25 lab 10 self-contained
Speech	Individual diagnosis and assessment	Indication of disorder, deviation or general developmental delay in communication skills which adversely affect educational performance	1990-91: 70 1991-92: 65 1992-93: 60
OR			
Language Impaired	Individual diagnosis and assessment	Receptive and expressive disorders, auditory perceptual difficulties which adversely affect educational performance	
Itinerant Teacher Direct Services Homebased	See handicapping category	See individual handicapping category	Maximum case load of 25
Indirect Services			Maximum case load of 40

* On reevaluation, intellectual assessment may not be required. See the reevaluation section, pages 33-34.

** Caseload is based on a full-time special teacher. Less than full-time will be prorated.

NOTE: "Educational" would include developmental information as handicapping condition/age appropriate.

NOTE: For those children referred for evaluation under "early childhood" guidelines, the evaluation must include developmental assessment. Refer to pages 59-63.

J. Speech and Language

The determination of adverse effect on educational performance

"Educational performance" involves all of the basic skills of reading, writing, mathematics and oral communication. In conducting the multidisciplinary evaluation for a speech and/or language impaired student, the multidisciplinary evaluation team will document that a student has a speech and/or language impairment involving impaired communicative performance in settings beyond the testing room. Such documentation can be obtained by assisting the regular education teacher in completing a checklist detailing behaviors of the student in the classroom which may adversely affect his/her educational performance. Checklists might include specific questions such as: "Does the student participate in class discussion?" "Does the student understand verbal directions?" "Do other students tease the student about the way he/she talks?" Many districts have specific checklists prepared to document adverse educational effects. See examples in *Speech and Language Guidelines in Oklahoma.*

The Special Education Section of the SDE has not presented an official interpretation of the phrase "adversely affects educational performance." However, the phrase "adversely affects educational performance" is not intended to imply that the student must be below grade level or must be failing in an academic area in order to be eligibile as a speech and/or language impaired student. Students may be doing very well academically but may not be performing appropriately in the educational environment relative to aural/oral communication which is, in and of itself, a basic skill.

Examples of students who may be doing very well academically but may still be eligible as speech and/or language impaired are the following:

1. A gifted student who stutters and has related problems contributing to class discussions
2. A first grader who is ahead of peers in many developmental areas, but has multiple articulation errors that affect intelligibility during "show and tell" and other educational activities
3. A third grader who is an above average reader, but exhibits a voice disorder during classroom verbal interactions such as giving book reports, oral reading and class discussion

K. Additional Procedures for Learning Disabilities

The multidisciplinary evaluation team for learning disabilities will require additional team members, and procedures can then be followed to complete the Learning Disabilities Evaluation Summary (SDE Form 5).

Team Composition for Learning Disabilities

The LD multidisciplinary and learning disabilities evaluation teams will minimally include a learning disabilities teacher; at least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, psychometrist, speech/language pathologist, or remedial reading teacher (Diagnostic Team Member); and a regular teacher. (If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his/her age would serve on this team. If the child is less than school age, an individual qualified by the state education agency to teach a child of his/her age shall serve on this team).

Learning Disabilities Observation

Separate documentation of observation(s) of the child's academic performance in the regular classroom setting is required. The observation(s) must be conducted by at least one member of the learning disabilities evaluation team other than the child's regular teacher. (The regular teacher is considered to be the person who has the primary responsibility for teaching the student.)

The information documented during the observation(s) is summarized on the Learning Disabilities Evaluation Summary; however, the actual observation form(s) is maintained as part of the confidential folder as well.

Learning Disabilities Evaluation Summary (Written Report)

The learning disabilities evaluation team will meet to review and interpret all information gathered concerning the student and complete the Learning Disabilities Evaluation Summary (SDE Form 5).

The purpose of evaluation is to integrate background and individual performance information into a comprehensive picture of how a particular student functions in an academic setting. In order to assure that a comprehensive multidisciplinary assessment has been conducted, information should include educational performance, intellectual functioning, sensory intactness, and health status.

This team may determine that a child has a specific learning disability if the child does not achieve commensurate with his/her age and ability levels and has a severe discrepancy between achievement and intellectual ability in one or more of the following areas: Oral Expression, Listening Comprehension, Basic Reading Skills, Reading Comprehension, Written Expression, Mathematics Calculation, and/or Mathematics Reasoning.

In interpreting evaluation data and determining if a student has a specific learning disability, the team should draw upon information from a variety of sources. These should include, but are not limited to: individual evaluation results, observation, adaptive behavior, classroom performance, aptitude and achievement tests, health data, teacher recommendations, and social and cultural background information.

When applying a mathematical discrepancy model, it must be used **ONLY** as a guideline -- it is **ONE PIECE** of the evidence a team needs to determine a learning disability.

This team must consider and document exclusionary factors. The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of: a visual, hearing, or motor handicap; mental retardation; emotional disturbance; or environmental, cultural or economic disadvantage.

This entire process is to be used for all new referrals considered for LD placement and each re-evaluation (at least every three years).

This team can then complete the Categorical Eligibility Statement by including an administrative representative. The evaluation results and the child's eligibility for services are explained to the parent. If the child is eligible for services, this team (by including the parent) can develop the IEP.

L. Physical Impairment

When it is suspected that a physical impairment is interfering with a child's functioning in the regular educational environment, the LEA should proceed through the Step-By-Step Service Delivery Procedures, pages 28-29.

Referral information will provide a description of any observed physical limitations or motor impairments. Subsequently, the comprehensive evaluation conducted by the multidisciplinary team shall include assessment of the purported areas of physical limitation as well as all areas related to the suspected disability.

With regard to the physical functioning of the child, this individual evaluation will be designed to confirm the nature and degree of this suspected disability. The appropriate specialist to conduct this portion of the multidisciplinary team evaluation may be a physical therapist or occupational therapist.

The Physical Therapy Practice Act of the State of Oklahoma requires a physician's referral prior to treatment of the student by a physical therapist. A physician's referral is not required for screening and educational procedures conducted by a physical therapist. A physician's referral is not required for any action by an occupational therapist.

A multidisciplinary team in receipt of thorough evaluation results may determine that, because of a physical impairment which adversely affects educational performance, a child is eligible for special education.

Upon determination of eligibility for special education, the IEP team will develop an appropriate program for the child. The type of service delivery as well as the frequency and duration of services shall be determined by the IEP team. When a physical therapist is the person responsible for a treatment objective on an IEP, a physician's referral would be required prior to implementation. The local district is responsible for obtaining this referral as well as any relevant medical information required to conduct a multidisciplinary evaluation. It may be local district policy to obtain a physician's referral prior to evaluation and any subsequent treatment by a physical or occupational therapist.

While a physical limitation or motor impairment may not adversely affect a child's educational performance, a child may meet the definition of "handicapped" under Section 504 of the Rehabilitation Act of 1973. OCR has stated that a person with a physical impairment which substantially limits one or more major life activities is a handicapped person.

M. Categorical Eligibility Statement

Within 15 school days of the receipt of the comprehensive evaluation, a team must meet to consider the results of the multidisciplinary evaluation and to determine the categorical eligibility of a child for special education services. Within this time period, the team must also meet with the parents to explain their child's evaluation results and their child's eligibility for special education services, as documented by the Categorical Eligibility Statement (SDE Form 8).

The team will review and consider information from the Multidisciplinary Evaluation Team Summary in preparation for determining categorical eligibility. In making eligibility decisions, the team shall draw upon information from a variety of sources and ensure that the decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

The Categorical Eligibility Statement will be completed in a meeting with the parents by a special education teacher, a regular education teacher, an administrative representative, a person knowledgeable about the meaning of the evaluation data, and others as appropriate.

NOTE: For preschool children, this meeting with the parents must include at least a special education teacher and an administrative representative. A regular education teacher would not be required if consideration of normal development is documented either through consultation to or professional training of the special education teacher.

The primary category considered to be appropriate for the child's handicapping condition must be listed on the Categorical Eligibility Statement. The term used for the category should be the same as the term used to report child count (refer to "Definitions," pp. 8-10). If a child is categorized as multihandicapped, the specific concomitant conditions (severe conditions which co-exist) must also be listed (e.g., "Multihandicapped: Trainable Mentally Retarded/Orthopedically Impaired").

Signatures of all team members and the title of their positions must be listed on this form to indicate their participation. Written notice must be given to the parent before the school or public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child. The evaluation data and the child's eligibility for services must be explained to the parent(s). The parent's signature on the Categorical Eligibility Statement will document that this requirement has been met.

If the child is eligible for services, it is then possible for this team and the parent to write the IEP. If the child is ***not eligible*** for special education, the team must so indicate, and should provide recommendations for service in the regular education environment in writing at the bottom of the Categorical Eligibility Statement. The school/public agency or parent may request a due process hearing concerning the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child.

N. Individualized Education Program

The IEP has two main parts:

Part I

The IEP team meeting: Parents and school personnel *jointly make decisions* about a handicapped child's program, and

Part II

The IEP document (SDE Form 9): *a record of the decisions* reached at the meeting. (For detailed instructions on completing the IEP form, refer to pp. 47-52.)

The IEP team meeting and program have the following purposes:

1. To provide for parental involvement in educational decisions;

2. To protect the rights of parents, children, and districts;

3. To ensure that each handicapped child is provided special education and related services appropriate to his/her special learning needs;

4. To ensure accurate and timely communication between all participating parties to: identify the child's strengths, educational deficits, special services to be provided, the anticipated outcomes, and procedures for evaluating child progress; and

5. To include transitional planning to span the gap between school and independent living status.

An IEP must be written in a team meeting before a child is placed in a program and special education and related services are initiated.

All appropriate related services such as speech and/or language, physical therapy, occupational therapy, adaptive physical education transportation, etc. should be addressed on *one IEP*. There will not be a separate IEP for any related service. All blanks on the IEP form are to be completed.

The IEP must be in effect at the beginning of the school year for continuing students.

If the LEA does not have an appropriate program for the child, the LEA has up to 30 calendar days from the date the child is declared eligible for service to write an IEP, locate an appropriate program, secure a transfer, arrange transportation and initiate services for that child.

Team Participants

The IEP team is composed of the child's parent, an administrator or administrative representative, the regular teacher, the special teacher, the child, and others as appropriate.

NOTE: One of the team members should be the child's teacher. An IEP team for a preschool child must include at least a special education teacher and an administrative representative in addition to the parent. A regular education teacher would not be required if consideration of normal development is documented either through consultation to or professional training of the special education teacher.)

Ideally, the evaluation member on the team should be the one who conducted the evaluation. This person should be present to interpret the test results for the team which includes the parents. Practically, it may be a person already on the team who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation.

The administrative representative could be either a teacher, principal, supervisor, or other administrator, providing the person serving in that capacity has the authority of the chief school officer and the local board of education to commit district resources and services. The resources and services agreed upon at the IEP meeting shall be provided and may not be vetoed at a higher administrative level.

NOTE: It is suggested that in the case of a severe disability where unusual expense is anticipated, the chief school officer should participate in person.

While it is necessary to ensure that all direct service personnel who work with a handicapped child are informed about and involved in implementing the child's IEP, this does not mean that they must all attend the IEP meeting.

Initial IEP/Placement

For initial placement, written parental consent must be obtained before placement of a handicapped child in a special education program. Steps must be taken to ensure that one or both of the parents of the handicapped child is present at the initial placement meeting. Written notice must be provided before proposing to initiate or change the child's educational placement. Documentation of efforts to contact parents should be maintained. (Refer to Section XVI for appropriate forms.) If parental consent for initial placement is refused, the school/public agency may request a due process hearing to determine if the child initially may be provided special education without parental consent.

IEP/Placement Review

Each school/public agency shall document steps taken to afford parents the opportunity to participate in team meetings. Documented efforts to contact parents and to provide written notice to parents before proposing to initiate or change the child's educational program must be maintained.

After an IEP has been developed by a team and is being implemented, significant changes in the amount of services listed in the IEP cannot be made without providing the parents the opportunity to attend an IEP team review meeting to discuss these changes, with *prior written notice* of these changes provided to the parents. However, as long as there is no change in the overall amount of services,

136

some adjustments in scheduling should be possible (based on the professional judgment of the service provider) without holding another IEP meeting. For example, if a service is changed from two half-hour sessions per week to three twenty minute sessions, this generally would not require another IEP meeting.

The IEP must be reviewed at least annually (more frequently if needed) by a team consisting of the parents, administrator or administrative representative, regular teacher, special teacher, the child, and others when appropriate (see "Early Childhood," p. 60, for preschool children). At the annual review, a Review of Placement/IEP form (SDE Form 10) must be completed and a new IEP developed.

The procedures used by the LEA to notify parents must include at least two documented contacts of the parent, one of which is a personal contact. Written notice must also be included as one contact. If neither parent can attend a team meeting, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls. Records of such efforts must be maintained. A meeting may be conducted without a parent in attendance if the public agency can document it has been using reasonable efforts to involve the parent(s). It would be appropriate for agency staff to come prepared with the evaluation findings, and, in some cases, with recommendations regarding the kinds of special education and related services to be provided. However, the agency must make it clear to the parents from the onset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents.

Any team member may initiate a review of placement meeting when revision of the IEP is needed. The IEP should reflect services provided to a child at all times.

A review of placement meeting should occur following reevaluation to review the present program and discuss the new evaluation information.

Secondary Program

Prior to the end of the spring semester of the 8th grade school year, the IEP team will determine, for every special education student, a goal for completion of an appropriate secondary education program. For students in the 9th or 10th grade during the 1990-91 school year, such a determination will also be made by the IEP team. Completion of a secondary education program may be accomplished by the student through meeting all requirements for a diploma or a certificate of attendance and completion. The IEP team will be responsible for selecting the type of secondary program which is appropriate, based on the individual educational needs of the student. The type of secondary education program selected may be changed, as appropriate, by the IEP team. The IEP team shall also develop and write appropriate educational objectives geared to completion of the secondary education program selected, including all appropriate modifications required in the regular classroom. Thorough documentation in the student's transcript and IEP, including completion of the IEP "Evaluation Procedures" and "Objective Achieved" columns, is required to determine if an appropriate secondary education program has been completed.

For those students in their junior/senior year, the annual review team should include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the IEP and (for eligible students) the IWRP.

A review of placement/IEP meeting must be held at the end of a student's senior year in order to document the completion of a secondary program in accordance with the IEP and state regulations. A Review of Placement/IEP form (SDE Form 10) must be completed.

For each type of secondary program, schooling for the special education student through the age of 21 is permitted if necessary for completion of the secondary education program selected by the IEP team; however, schooling through the age of 21 for all special education students is not necessarily required.

Regular Classroom Placement

When a handicapped child is placed in the regular classroom and modifications (adaptations) must be made to accommodate for the child's disability, these modifications (adaptations) must be included in the IEP.

If a handicapped child is being served totally within the regular class with an IEP and the child is to be counted as served (for federal and state funding), there must be an indirect service provider certified in the category of the child's disability. This person will: (1) serve on the following teams: multidisciplinary evaluation, IEP, and review of placement; and (2) act as a consultant to provide special teaching materials and methods to the regular teacher. The IEP should include progress checks, and delineate services provided by the indirect service provider (see "Consultative Teacher Program", p. 12).

Out-of-District Placement

When an LEA proposes the placement of a child in a program located in another district or agency, the home district is responsible for conducting the initial IEP meeting. The IEP must be developed before the child is placed in the other district or agency, since it describes the special education and related services to be provided. A representative of the receiving school or agency should be present when the IEP is written.

If the program is located in a co-op, the home district may allow a co-op director to serve as its administrative representative on the IEP team if the home district and the co-op have a written agreement or policy describing the co-op director's role. This representative should be involved especially in those instances where a parent or guardian is seeking a free, appropriate public education from another agency or where unusual expenses will be incurred.

NOTE: Once a child enters a program that is in another district or agency, any meeting to review and revise the child's IEP could be conducted by either the LEA of residence or the other district or agency. However, both districts should be represented, and the home district remains responsible for monitoring the program to see that appropriate educational services are provided. A complete folder which documents the provision of full educational opportunity and procedural safeguards must be maintained by the district of residence.

Interim I.E.P.

The following guidelines should be utilized in the development of any interim IEP:

1. An IEP must be developed which sets out the specific conditions and timelines for placement.

2. The parents must be given opportunity to participate in the development, review, and any needed revision of the child's IEP.

3. A specific timeline must be set for completing the evaluation, including the attainment of prior records (if possible within a reasonable time period), and making judgments about the most appropriate placement for the child.

   NOTE: These activities must be completed within 30 calendar days.

4. At the end of this placement, a meeting must be conducted to review and finalize the child's IEP (and, if applicable, the Categorical Eligibility Statement). The finalized version will be developed by the team before the interim form(s) have expired. The new IEP should be written to include

135

educational (academic) goals and objectives. Only one interim IEP (and Categorical Eligibility Statement) can be developed and these cannot extend beyond 30 calendar days.

Initial Placement

An interim IEP may be devleoped for an eligible handicapped child receiving services for the first time, as part of the evaluation process to aid in the determination of the most appropriate placement based on the child's needs. The child could then be placed in a program on an interim basis.

Before action is taken to initially place a child in a special education program, eligibility as a handicapped child must be determined based on a full and individual evaluation of the child. The Categorical Eligibility Statement must be completed to document this, and an interim IEP could then be developed if necessary.

Written parental consent must be obtained before initial placement and implementation of the interim IEP.

Enrollment of Previously Identified Student

When a handicapped child has been receiving special education services and moves to another LEA, the new LEA must conduct a review of placement/IEP meeting. All IEP/review team meetings for school-age children must include: (1) a teacher certified in the handicapping condition of the child; (2) the child's parent; (3) an administrator or administrative representative; and (4) the regular classroom teacher (see "Early Childhood," p. 60, for preschool children). The team must review and consider the continuum of alternative placements (see pp. 21-22) before deciding which is the most appropriate placement, in order to meet the needs of the individual student in the least restrictive environment.

Documentation of the records received by the local school district can be done on the Review of Placement/IEP form.

The following guidelines should be utilized:

1. The district will obtain school records from the previous district (see Authority to Transfer Education Records form, SDE Form 12). If the district requests records from an agency other than an educational agency or institution, the district should complete the Consent to Release Information (Third Parties) form (SDE Form 13).

2. If the new district is unable to obtain complete school records but does have confirmation from the parent and/or the previous school that the child has been served in a special education program, the district will, within one week*, conduct a team meeting for the purpose of reviewing placement. The team will complete the Review of Placement/IEP form, an Interim Categorical Eligibility Statement, and an Interim IEP. The child must be placed in a special education program immediately after the interim IEP is developed.

3. If the parent has a copy of the child's IEP and other records, the district will, within one week*, conduct a team meeting for the purpose of reviewing placement. A Review of Placement/IEP form will be completed at this time.

   If records do not contain sufficient information to document categorical eligibility, the team will complete an Interim Categorical Eligibility Statement and an Interim IEP. The team will also initiate referral and parent permission for testing, if necessary.

* Seven calendar days excepting school holidays and summer vacations when school is not in session

If records are complete, the team may either (a) document on the Review of Placement/IEP form their agreement to continue implementation of the IEP from the previous school district, or (b) develop a new IEP.

The child must be placed in a special education program immediately after any IEP is developed.

4. If the school has not been informed that a child was previously receiving special education services, but then receives records from a previous school indicating special education placement, the school must, within one week*, conduct a team meeting for the purpose of reviewing placement. A Review of Placement/IEP form will be completed at this time. The school will then follow the procedures as outlined in Step 3.

Computerized IEP

There is no required format for the computerized IEP; however, the required information on the state-adopted IEP must be included on the form.

NOTE: Besides indicating parent present, some statement should be made concerning parent participation (e.g., "Were you (parent) encouraged to participate in the development of this individualized education program?") Leave space after each area of short-term instructional objectives in order that additions might be made during the team meeting.

It is permissible to take a computerized IEP printout into the team meeting, provided it contains the required components of the IEP in a format understandable to persons attending the IEP meeting. Use of "codes" (numbers, letters, etc.) may not be acceptable. Recent OCR investigations have challenged this. IEP team members must be allowed the opportunity to make additions and deletions to the prepared printout.

The printout, with additions or deletions noting the team action, may become the finalized IEP which documents team action. The signatures of team participants must appear on the final printout. This ensures the development of an IEP in compliance with federal regulations and state policies. The LEA must ensure that all individuals who have access to this IEP understand each of the components in its finalized form.

NOTE: A computerized IEP format must have prior approval by the Oklahoma State Department of Education, Special Education Section, before being adopted for use by the LEA. This can be submitted as part of the LEA's district plan or district plan update.

---

* Seven calendar days excepting school holidays and summer vacations when school is not in session.

149

Instructions for Completion of IEP Form

NOTE: If this is an interim IEP, check the box marked "Interim". Refer to pp. 44-46 for further information.

1. Date (date of writing). This date must be complete (month/day/year).

2. Demographic Information:

Name District Site

Address of Student Grade (grade level) Birthdate Age

3. Statement of the Child's **Present** Levels of Educational Performance

The statement of present levels of educational performance will be different for each handicapped child. Thus, determination about the content of the statement for an individual child are matters that are left to the discretion of participants in the IEP meetings. However, the following are some points which should be taken into account in writing this part of the IEP.

a. The statement should accurately describe the effect of the child's handicap on the child's performance in any area of education that is affected, including: (1) academic areas (reading, math, communication, etc.), and (2) nonacademic areas (daily life activities, mobility, etc.).

NOTE: Labels such as "mentally retarded" or "deaf" may not be used as a substitute for the description of present levels of educational performance.

Information annually updated in this section includes results from informal assessments, class tests, observations, achievement tests, charting results, and checklists which summarize the learner's present levels of performance. It is this information which demonstrates the learner's need for special education services and from which an annual instructional plan can be developed.

Data from the formal educational assessment regarding the presence of a handicapping condition (i.e., on initial and 3-year reevaluations) should always appear in this section, but only for the year it was collected. For example, results from ability testing used to determine eligibility would normally be included on the IEP one time, not for each succeeding year until the next reevaluation.

b. The statement should be written in objective (measurable) terms to the extent possible. Data from the child's evaluation would be a good source of such information. Test scores that are pertinent to the child's diagnosis might be included, where appropriate. However, the scores should be: (1) self-explanatory, (i.e., they can be interpreted by all participants without the use of test manuals or other aids), or (2) an explanation should be included. Test results used should reflect the impact of the handicap on the child's performance; thus, raw scores would not usually be sufficient.

c. There should be a direct relationship between the present levels of educational performance and the other components of the IEP; thus, if the statement describes a problem with the child's reading level and points to a deficiency in a specific reading skill, this problem should be addressed under both (1) goals and objectives, and (2) "Specific Special Education and Related Services" to be provided to the child.

d. If either specially designed physical education or specially designed vocational education is required, this component of the IEP must reflect such special programs.

e. If related services are required, this component of the IEP must reflect such service.

4. Summary Statement of Strengths and Weaknesses

Information for these standards should be taken from teacher and parent observations, present levels of education performance, evaluation, and other pertinent sources. These statements should address areas of a child's special learning needs (i.e., verbal/language skills, motor skills, behavior, reading comprehension, computation skills, etc.). Related services, adaptive physical education and special vocational education should be included.

5. Statement Regarding Reason for Removal from the Regular Educational Environment

This should be an individual statement based on the specific needs of the child for whom the IEP is developed. This must be addressed on the IEP of each handicapped child. This statement should help justify why the child is removed from the regular educational environment to this extent in order to provide services to the child.

6. Annual Goals and Short Term Instructional Objectives

Annual goals and short term instructional objectives provide a mechanism for determining (1) whether the anticipated outcomes for the child are being met (i.e., whether the child is progressing in the special education program), and (2) whether the placement and services are appropriate to the child's special learning needs. In effect, these requirements provide a way for a child's teacher(s) and parents to be able to track the child's progress in special education.

a. Annual Goals

The annual goals in the IEP are statements which describe what a handicapped child can reasonably be expected to accomplish within a twelve-month period in the child's special education program. **There should be a direct relationship between the annual goals, the present levels of educational performance, and the short term instructional objectives.**

b. Short Term Instructional Objectives (Measurable)

"Short term instructional objectives" (also called "IEP objectives") are measurable, intermediate steps between a handicapped child's present levels of educational performance and the annual goals that are established for the child. **The objectives are developed based on a logical breakdown of the major components of the annual goals**, and can serve as milestones for measuring progress toward meeting the goals.

In some respects, IEP objectives are similar to objectives used in daily classroom instructional plans. For example, both kinds of objectives are used (1) to describe what a given child is expected to accomplish in a particular area within some specified time period, and (2) to determine the extent to which the child is progressing toward those accomplishments.

In other respects, objectives in IEPs are different from those used in instructional plans, primarily in the amount of detail they provide. IEP objectives provide general benchmarks for determining progress toward meeting the annual goals. These objectives should be projected to be accomplished over an extended period of time (e.g., an entire school quarter or semester). On the other hand, the objectives in classroom instructional plans deal with more specific outcomes that are to be accomplished on a daily, weekly, or monthly basis. Classroom instructional plans generally include details not required in an IEP, such as the specific methods, activities, and materials (e.g., use of flash cards) that will be used in accomplishing the objectives.

Short term objectives must be written for related services as well as for the regular classroom requiring adaptations (modifications), specially designed physical education, vocational education requiring adaptations, or vocational rehabilitation services.

7. Specific Educational and Related Services; Position/Person Responsible; Amount of Time; Beginning and Ending Date; and Evaluation Procedures

The following components of the IEP, in column form, must be addressed in some manner across from each objective.

a. Specific Educational and Related Services

Specific educational services are programs, instruction and/or unique materials and equipment specifically designed to meet the individual educational needs of the student. The type of service delivery must be listed (e.g., lab or resource room, self-contained classroom, itinerant teacher, home-based instruction, regular classroom with adapted material/equipment designed for the hearing, visually, orthopedically, or other impaired; refer to pp. 10-12). If unique/adapted materials and equipment are used, these also must be listed. "Unique" materials are *not* texts or programs normally available in the regular classroom or lab. Modifications or adaptations occurring in the regular classroom must be listed (refer to No. 8 of this section).

Related services are developmental, corrective, and other supportive services which assist a handicapped child to benefit from special education. These are determined by the IEP team and may include transportation, speech/language therapy, psychological evaluations, counseling, and other services (refer to pp. 52-55).

b. Position/Person(s) Responsible

Indicate position or person delivering the service. Parent and student should be included as appropriate.

c. Amount of Time

The amount of time must be: (1) appropriate for that specific service, and (2) stated in the IEP in a manner that is clear to all who are involved in both the development and the implementation of the IEP. Estimate the time allocated to meet the specific objective (e.g., 30 minutes daily, one hour twice a week).

If a group of objectives are interrelated, it is possible to list a block of time for those objectives (i.e., objectives #1, 2, and 3 are specific comprehension skills; the amount of time could state: "Obj. 1-3, 30 minutes/day"). Again, it must be stated in a manner that is clear and understandable.

d. Beginning Date

Indicate the date service is to begin. This date must be complete (include month, day, and year).

e. Ending Date

Indicate the projected date for meeting each objective. This date must be complete (include month, day, and year). In general, the anticipated duration of services will be up to 12 months. However, it is possible for the duration of a service to be longer than one year from the beginning date if it is anticipated that the child will need a particular service for that time. However, this must be reconsidered whenever the IEP is reviewed (at least annually). In other words, the IEP must still be reviewed, and those objectives which will require further attention must be written on a new IEP.

f. Evaluation Procedures

The evaluation procedures must measure and be clearly linked to each short term objective. List evaluation procedures used to determine if short term objectives have been met (i.e., standardized tests, teacher-made tests, observation(s), etc.).

g. Objective Achieved

Indicate by writing, at minimum, "yes" or "no" if each objective has been achieved. This should be done at least annually.

8. Amount of Time in Regular Academic Instructional Classroom/Adaptations (Supplemental Aids and Services)

The amount of time should be listed as appropriate for the situation (e.g., minutes, hours, periods, portion of the day, percentage of time of the school day, etc.).

If adaptations (supplementary aids and services) to the regular education program are necessary to ensure the child's participation in that program, those adaptations must be described in the child's IEP (e.g., for a hearing impaired child, special seating arrangements or the provision of assignments in writing). This applies to any regular education program in which the student may participate, including physical education, art, music, and vocational education.

9. Physical Education

Physical education services, specially designed if necessary, must be made available to every handicapped child receiving a free appropriate public education.

a. *Regular PE with non-handicapped students.* If a handicapped student can participate fully in the regular PE program without any special modifications to compensate for the student's handicap, it would be necessary to simply check "Regular" on the IEP. On the other hand, if some modifications to the regular PE program are necessary for the student to be able to participate in that program, those modifications must be described in the IEP with an objective.

b. *Specially designed PE.* If a handicapped student needs a specially designed PE program, that program must be addressed in all applicable areas of the IEP (i.e., "Present Levels of Educational Performance," goals and objectives, "Specific Educational and Related Services," etc.). However, these statements would not have to be presented in any more detail than the other special education services included in the student's IEP.

c. *PE in separate facilities.* If a handicapped student is educated in a separate facility, the PE program for that student must be described or referenced in the IEP. However, the kind and amount of information to be included in the IEP would depend on the physical/motor needs of the student and the type of PE program that is to be provided.

If a student is in a separate facility that has a standard PE program (e.g., a residential school for the deaf), and if it is determined--on the basis of the student's most recent evaluation--that the student is able to participate in that program without any modifications, then the IEP need only note such participation. On the other hand, if special modifications to the PE program are needed for the student to participate, those modifications must be described in the IEP. Moreover, if the student needs an individually designed PE program, that program must be addressed under all applicable parts of the IEP (see paragraph "b" above).

10. Vocational Education

Each handicapped student must be given information concerning vocational education opportunities prior to the beginning of the ninth grade. If a handicapped student is able to participate in the regular vocational education program without any modifications to compensate for the student's handicap, it would be necessary only to check "Yes" and explain that it is a regular curriculum.

If modifications to the regular vocational education program are necessary in order for the student to participate in that program, those modifications must be included in the IEP. Moreover, if the student needs a specially designed vocational education program, then vocational education must be described in all applicable areas of the student's IEP (i.e., "Present Levels of Educational Performance," goals and objectives, "Specific Educational and Related Services," etc.). However, these statements would not have to be presented in any more detail than the other special education services included in the IEP.

If the child is not participating in vocational education, the IEP should be marked "No". An explanation must be given (e.g., "did not choose these electives," etc.)

11. Vocational Rehabilitation

Every eligible handicapped student must be afforded the opportunity to participate in rehabilitative services as deemed necessary by the IEP team. This decision is based on the student's vocational needs as would enhance his/her transition from school to independent living. The rehabilitation counselor and skills instructor must be involved in the determination of appropriate programming and services. If a program is developed, check "Yes" and then address this area on the IEP with measurable objectives and all other requirements.

If services are not deemed appropriate by the team, "No" should be checked and an explanation given.

12. Least Restrictive Environment

Each area under this heading must be addressed. None can be left blank and each area is applicable to all handicapped students.

a. Check the placement which reflects the least restrictive environment for the child.

b. List options considered and reasons why these options did not seem appropriate at this time.

c. All questions must be addressed.

d. The full educational opportunity should include the extent to which the child will be able to participate in regular educational programs. This would also include non-academic subjects, extra-curricular activities, etc.

NOTE: For example, if a severely handicapped child is expected to be in a special classroom setting most of the time, it is recommended that, in meeting the above requirement, the IEP include any non-curricular activities in which the child will be participating with non-handicapped students (e.g., lunch, assembly periods, club activities, and other special events).

e. "Least Restrictive Environment" question must be answered.

The team must consider the above questions (a-d) in order to determine that this IEP reflects the least restrictive environment.

If "No" is checked, an explanation must be written.

13. Comments

Include any relevant information about the meeting that is not noted elsewhere on the IEP.

14. Date of Next IEP Meeting (to annually review the IEP)

Record the date of the next scheduled IEP meeting (this date must be no longer than one year from the date this IEP was written). This must be a complete date (include month, day, and year).

15. Participants in IEP Development

The IEP must be developed in a meeting. Parents must be present and participate at each meeting or documentation must be present to ensure they are afforded the opportunity to participate as outlined on pages 5-6 of this manual. The members comprising the IEP team are discussed in detail on page 42.

16. Parents' Opportunity to Participate in the IEP Development

Check "Yes" or "No." If "No," explain how parents were given the opportunity to participate and why they did not.

17. State Mandated Group Testing

This documents parental request and subsequent permission for this student to participate in the state mandated testing.

O. Related Services

All handicapped children shall have available an appropriate educational program and related services. "Related services" are supportive services as required for the handicapped child to benefit from their specially designed education.

Definitions of Related Services as Set Forth in Federal Regulation (34 CFR 300.13)

(a) As used in this part, the term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(b) The terms used in this definition are defined as follows:

(1) "Audiology" includes:

(i) *Identification of children with hearing loss;*

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

(iv) Creation and administration of programs for prevention of hearing loss;

(v) Counseling and guidance of pupils, parents, and teachers regarding hearing loss; and

(vi) Determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early identification" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) "Medical services" means services provided by a licensed physician to determine a child's medically related handicapping condition which results in the child's need for special education and related services.

(5) "Occupational therapy" includes:

(i) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

(ii) Improving ability to perform tasks for independent functioning when functions are impaired or lost; and

(iii) Preventing, through early intervention, initial or further impairment or loss of function.

(6) "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development.

(7) "Physical therapy" means services provided by a qualified physical therapist.

(8) "Psychological services" include:

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning.

(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations; and

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents.

(9) "Recreation" includes:

(i) Assessment of leisure function:

(ii) Therapeutic recreation services;

(iii) Recreation programs in schools and community agencies; and

(iv) Leisure education.

(10) "School health services" means services provided by a qualified school nurse or other qualified person.

(11) "Social work services in schools" include:

(i) Preparing a social or developmental history on a handicapped child;

(ii) Group and individual counseling with the child and family;

(iii) Working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and

(iv) Mobilizing school and community resources to enable the child to receive maximum benefit from his or her educational program.

(12) "Speech pathology" includes:

(i) Identification of children with speech or language disorders;

(ii) Diagnosis and appraisal of specific speech or language disorders;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language disorders;

(iv) Provisions of speech and language services for the habilitation or prevention of communicative disorders; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language disorders.

(13) "Transportation" includes:

(i) Travel to and from school and between schools,

(ii) Travel in and around school buildings, and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped child.

Determination of Need

The multidisciplinary evaluation conducted for a handicapped or suspected-to-be handicapped child should provide the information required by an IEP team to determine an appropriate program and related services. Related services will be determined on a case-by-case basis to meet the unique needs of the handicapped child. Provision, frequency, and duration of related services required by a handicapped child in order to benefit from special education will not be determined by handicapping category or availability of services.

IEP Components

All related services as needed by the child must be included on the IEP. The related services required will be reflected in an annual goal and short term instructional objective. The type of service delivery (e.g., transported by private carrier with lift, individual speech therapy, therapy from a Physical Therapist Assistant under the supervision of a physical therapist with consultation once weekly, etc.), the person responsible, projected dates for initiation and duration of services, and evaluation criteria for determining whether the objective is being achieved will also be included on the IEP.

Transportation

It is the responsibility of the district where the child resides to provide transportation. The local school district is responsible for the special education child from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb." The parent or their designee is responsible for "door-to-curb," "curb-to-door," and "street crossing" of the child to the designated loading and unloading point.

Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes.

The local school district may provide this service directly or contract with parents (or someone other than the school) to furnish transportation. The exact miles driven and exact cost per mile to be paid by the school should be *written in the IEP*. This would be by agreement of the school and the party who does the driving. Since Public Law 94-142 provides that services should be at no cost to the parents, equitable arrangement must be made.

For the home district to be liable for transportation to and from a residential school, the home school must be involved with the planning. Transportation is a related service and must be included as a part of the IEP. The parent and the home school, by signing the IEP, agree on the transportation to be furnished at no cost to the parent.

NOTE: A new IEP must be written each year with related services listed.

P. Special Education Paraprofessionals

Legal Authority and Definition

The *Administrators' Handbook for Elementary, Middle, Junior High and High Schools* states:

> "The State Board of Education, pursuant to (70-13-105), deems it necessary to authorize the use of a trained paraprofessional in the teaching of *handicapped children categorized multihandicapped and deaf-blind*."

> "The State Board of Education defines a trained paraprofessional as a person listed on the paraprofessional register maintained in the Special Education Section of the State Department of Education. These persons will have completed paraprofessional training administered by the State Department of Education. Unless prohibited by statute, the trained paraprofessional may conduct activities of the components of the individualized education program of multi-handicapped or deaf-blind children. The trained paraprofessional will conduct these activities under the direction of a certified special education teacher."

The special education paraprofessional works alongside the special education teacher. With differentiated responsibilities, the paraprofessional carries out the program developed by the special education teacher for multihandicapped or deaf-blind children.

The definition of special education paraprofessionals does not include those individuals who are referred to as classroom teacher aides in the *Administrators' Handbook*.

Duties and Responsibilities

It is essential for the teacher of the multihandicapped to recognize the skill level possessed by the paraprofessional entering the multihandicapped or deaf-blind setting. The paraprofessional will need specific direction in performing activities typically found in the multihandicapped or deaf-blind classroom including self-help skills, communication skills, cognitive skills, preacademics/academics, motor programming such as positioning and handling, behavior management, vocational skills, and daily living skills. The paraprofessional will also need guidance in the use and maintenance of classroom equipment and any adaptive equipment utilized by individual handicapped students. Hygiene is of utmost importance in multihandicapped and deaf-blind classroom maintenance.

Corporal punishment should be administered by certified personnel only, unless stated otherwise in the IEP.

Administrative Procedures

No more than three paraprofessionals, whether full-time or part-time, shall be assigned to a teacher of the multihandicapped. No paraprofessional shall be assigned to more than two teachers of the multihandicapped or two educational facilities. Paraprofessionals may work with individual students, small groups, or the total classroom. The student/teacher ratio for multihandicapped, deaf-blind classrooms will remain the same.

Paraprofessionals may work with or supervise students in the classroom, playground, hall, restroom, therapy area, gymnasium, other specified areas on a school campus, community-based activities, and transportation situations. In some situations the paraprofessional may conduct this supervision without the teacher of the multihandicapped being present. When supervising students without the teacher of the multihandicapped being present, the paraprofessional should have designated certified personnel to which to report for directions and consultation.

Training

A register of trained paraprofessionals will be maintained by the SDE, Special Education Section. To qualify for this register, a person must satisfactorily complete an initital 20 hours of training conducted by the SDE or Oklahoma State Department of Vocational-Technical Education's respite or habilitation curriculum in conjunction with designated portions of the SDE initial training. Following satisfactory completion of the initial training, a paraprofessional will complete an additional six hours of training each school year. This annual training could be coordinated as part of the school's staff development plan and supported through CSPD. The six hours of annual training provided to the paraprofessional

150

will be specific to the multihandicapped, deaf-blind program to which the paraprofessional is assigned. The paraprofessional and LEA may consider workshops, seminars, and presentations facilitated by various professional organizations and/or other agencies as resources for training opportunities that will be meaningful to the paraprofessional's assignment.

Q. Removal from Special Education Program

A handicapped child *cannot* be removed from a special program until the proper steps are followed:

1. Reevaluation: This may be a complete battery of tests or some documentation that the child's status has changed, and an indication that the child does not appear to need special education to benefit from the educational setting.

   The team must conduct a review and complete the Review of Placement/IEP Form (SDE Form 10) in order to document evidence to support the team decision.

   Additionally, if a comprehensive evaluation is conducted for a learning disabled child, the team would follow all procedures listed previously under "Learning Disabilities."

2. Categorical Eligibility: The multidisciplinary evaluation team must meet and make the final decision concerning eligibility for services. The Categorical Eligibility Statement (SDE Form 8) must be completed and signed by team members (refer to the "Categorical Eligibility" section).

   The evaluation data or evidence that the child's status has changed must be explained to the parent(s). The parent's signature on the Categorical Eligibility Statement will document that this requirement has been met.

3. Written Notice: Written notice must be given to parents before the public agency proposes to change the identification and placement of the child. If the parent is unable to attend the team meeting, the public agency shall document use of methods to ensure parent participation.

IV. RECOMMENDATIONS FOR TRANSPORTING HANDICAPPED CHILDREN

At the beginning of each school year, an orientation for bus drivers who are responsible for handicapped children should be held with special education faculty, school nurse(s), principal(s), and other personnel responsible for adapting the school program to meet the educational needs of students.

Orientation should include information about pertinent physical, mental, and emotional data that a driver may need to know in assisting a handicapped student to ride a bus successfully with his peers.

Following are suggested concerns of which the professional staff should be aware and share with drivers when it is necessary for the welfare of the handicapped student.

1. A communication system must be clearly defined so that information can be shared quickly and efficiently, as necessary, between drivers and personnel responsible for the educational program of handicapped students. It would be helpful if the buses were equipped with a two-way radio system.

2. All physically handicapping conditions that may require assistance from the driver (such as getting off or on the bus because of weather conditions, braces, or prostheses as well as other visual, hearing, or mental disability) should be known prior to the first bus run as soon as possible.

3. The parent or their designee is responsible for "door-to-curb," "curb-to-door" and "street crossing" of the child to the loading and unloading point.

4. Techniques and procedures should be clearly outlined and understood for children that may cause an emergency. The bus driver needs to be aware of children with epilepsy, diabetes, cerebral palsy, etc. Pertinent information should be known by the driver at all times.

5. Drivers will need to know the proper methods for lifting those students with braces, etc., or techniques for strapping students in the seat to assure safe riding in consideration of each child's handicapping condition. Techniques should conform to those that are advocated by the therapist in charge. Drivers should also be aware of the objectives of the therapy program (e.g., if the child can walk independently but prefers the luxury of being carried, the driver should adhere to the program established for the benefit of the child).

6. If there are pupils who, for any reason, need special or emotional support, instructors of these students should assist drivers in understanding and developing techniques to make commuting to and from school a good experience while reinforcing the educational objectives for a particular student.

7. Socialization is necessary for all children. Bus drivers should share in the responsibility of assisting the handicapped to remain as "normalized" as possible with other students. This may be facilitated by the bus driver's developing a posture of expectation, kindness and understanding of each individual's needs, while transporting these students to and from school or other school-related activities.

V. PROCEDURE FOR PURCHASE OF AUGMENTIVE COMMUNICATION DEVICE(S) OR SYSTEM(S)

Introduction

Augmentive (also referred to as augmentative, alternative, and/or assistive, but herein referred to simply as augmentive) communication devices or systems may be appropriate prosthetic solutions for non-speaking individuals whose non-speaking condition may persist throughout life. Additionally, such devices may be appropriate for those individuals whose speech is non-functional at the time of assessment, but who have some degree of potential for improved communication. Augmentive systems assist in reducing frustration arising from inability to communicate, and may be beneficial in improving self-image and self-worth. The effective use of such a system may also serve to facilitate speech and language growth.

Augmentive systems may also be appropriate for persons experiencing a permanent or temporary loss of speech caused by medical/surgical intervention including, but not limited to, intubation, tracheotomy, laryngectomy, and glossectomy.

Assessment

Prior to consideration for purchase of an augmentive device, each individual should be comprehensively assessed in order that an optimal communication system may be selected. Comprehensive assessment should be completed by a multidisciplinary team including a speech-language pathologist, occupational therapist, psychologist, and primary care giver. All professional members of the team MUST be appropriately credentialed (i.e., licensed by the state when applicable, and certified, registered, or otherwise credentialed by a nationally-recognized credentialing body). In addition to the minimal team described above, the team MAY also include, as appropriate, any or all of the following: the client, physical therapist, educator, physician, rehabilitation engineer, vocational counselor, audiologist, social worker, extended family, and advocates. The assessment MUST address the MINIMAL parameters listed below:

1. Physical

    a. Optimal seating and/or positioning; and
    b. Identification and utilization of the most versatile motor skill for operating an augmentive system

2. Intellectual

   a. Continuing assessment of cognitive status; and
   b. Determination of learning style as it relates to behavior and activity level

3. Linguistic

   a. Assessment of language comprehension level;
   b. Assessment of expressive language level;
   c. Determination of optimum (most universal and appropriate) symbol system; and
   d. Assessment of pragmatics in communication

4. Sensory

   a. Assessment of vision;
   b. Assessment of hearing; and
   c. Assessment of tactile/kinesthetic status

The assessment should determine the purpose of the system and the level of communication needed at the CURRENT time (e.g., signaling physical discomfort or emergency; advising care giver of basic care needs; basic interpersonal communication; extensive interpersonal communication; or academic pursuits and advanced communication).

Assessment must be made of the adequacy of the provisions for training primary care givers and support persons in work, educational, or social environs to instruct and assist in the setup, utilization and maintenance of the augmentive system.

Assessment of fiscal and logistic arrangements necessary for continuing therapy and growth in utilization of the system is necessary.

Any assessment should include a narrative description of trial usage of the system recommended and justification of the selection made based on successful use. Time parameters of the trial usage MUST be included. An UNEDITED videotape of the client utilizing the prescribed system SHOULD be included; this is strongly recommended, but not required.

VI. EARLY CHILDHOOD

Beginning July 1, 1990 as assured by P.L. 99-457 and the Oklahoma Early Intervention Act (H.B. 1618), a full range of services will be provided by individual school districts to ALL children with handicapping conditions ranging from MILD TO SEVERE who reach age three by September 1.

Severely handicapped children may begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age.

Evaluation/Assessment

Children referred for assessment should receive a complete diagnostic multidisciplinary evaluation. The evaluation process is a systematic approach to obtaining information required by state and federal regulations for determining eligibility. This process should involve a multidisciplinary team of professionals, with the collaboration of the parents, in order to ascertain the child's current levels of functioning, intellect and abilities. In order to comply with federal regulations, each child must be evaluated in all areas of suspected disability. The developmental areas of a child under five years of age are so interrelated that a developmental evaluation must be included as an integral component of the multidisciplinary evaluation for a child three through five years of age.

Developmental areas to be evaluated are:

- Physical/Motor
- Cognitive
- Language/Communication
- Psycho-social
- Self-Help

Children referred for assessment should receive a complete diagnostic evaluation that may include psychological, social, medical, and developmental (educational) assessments. Assessment data and related interpretations are used to determine the child's eligibility for special services and to describe present levels of functioning which serve as the basis of IEP development for those children found to be eligible.

Eligibility

Eligibility is the process by which children with handicaps are determined to be in need of special education and related services. A decision regarding eligibility is reached only after a thorough review of all pertinent evaluation information. Eligibility for services is not a permanent decision, but rather is subject to periodic review as the needs of the children change.

The multidisciplinary evaluation team uses the individual data to make a collective professional judgment as to whether the child is eligible for special education.

Children ages 3-5 must be categorized according to specific handicapping conditions (see "Definitions," pp. 8-10). "Developmentally delayed" is not considered to be a category for classifying 3-5 year-olds. "Developmentally delayed" categorization is only an option of Individual Family Service Plan teams in state-operated early intervention units. It may not be used by LEAs serving any children ages birth to three.

Team Composition

Team composition for preschool children remains the same as for school-age children, with the following exception: a regular education teacher is not required on categorical eligibility and IEP (or review of placement/IEP) teams if consideration of normal development is documented either through consultation to or professional training of the special education teacher.

NOTE: For evaluation of a child suspected of having a specific learning disability, 34 CFR 300.540 requires the multidisciplinary evaluation team to include a regular teacher (as well as the other LD team requirements listed on page 38 of this manual).

Service Delivery

The diverse needs of young handicapped children underscore the importance of developing service models which offer alternatives for placement. Currently, in Oklahoma, there are two service delivery models that are used to provide services: the home-based, and the centerbased.

The differences in the models pertain to the setting in which the services are provided. School districts must consider many factors in choosing the model that is most appropriate for the children being served. Neither of these models, however, determines which services will be provided. Each child's IEP determines the appropriate services, and these services must be provided regardless of the model selected by the IEP team. The selection of a particular model cannot be used as the reason to limit the delivery of necessary services. In many instances, a combination of the two models may be the most appropriate service delivery system.

Each of the models includes some degree of parent training to foster the child's development. While the main purpose of each model is the delivery of services to handicapped children and their parents, the designs are different and are delineated as follows:

1. Home-Based Model

   A home-based model is one in which services are delivered primarily in the home setting. The model is characterized by instruction provided to the mother or primary caregiver in activities designed to foster skill development in the child. This instruction is rendered by a professional and may include demonstrations, modeling, or tutoring. The child's needs may indicate that some group experience should be incorporated into the program. This programmatic feature can be achieved in a number of ways, such as bringing several children together in one of their homes for periodic instruction or play. Home-based programs are commonly found in sparsely populated areas and are especially appropriate under the following circumstances: 1) For those children for whom attendance at school would be undesirable for medical reasons; 2) For those for whom the detrimental effects of the travel required would outweigh the benefits of a center-based program; and 3) For those cases in which the parent prefers a home program, provided that the program is designed to meet the special needs of the child.

2. Center-Based Model

   A center-based program is one in which services are provided primarily in a center. Instruction consists of direct teaching to children (i.e., in groups, on a one-to-one basis, or through a combination of both). The ideal location for a public school center-based program is in an elementary school close to the kindergarten classes.

   As with all instructional programs for the preschool handicapped, parent involvement in the child's program is crucial. Parents may be requested to come to the center for observation and consultation with the teacher or with an instructional aide and may be asked to meet with the teacher for regular home visits. The goals of this home/school interaction are continuity for the child and instruction for parents in the skills they need to influence the child's development in a positive manner. Involving the parents in the instruction of their children is as important in a center-based program as it is in a home-based program. Such a component provides time for the teacher to instruct parents in working with their children. Because parent contact is typically less frequent in the center-based type of program, it may be necessary to provide intensive parent training during the beginning of the program.

   Center-based programs are appropriate for a variety of children (e.g., those who can profit from the social aspects of a group; those who require intensive programming; those requiring a variety of related services and/or adaptive equipment; those who need a specialized learning environment; and for those children who do not have someone who can reasonably be expected to carry out instruction at home).

   In meeting FAPE requirements through local education arrangements with Head Start and other integrated environments that serve handicapped and nonhandicapped preschool children, the LEA should:

   1. Assure that the facility is licensed;
   2. Provide for special education personnel through Head Start or an LEA specialist;
   3. Define individual agencies' roles and responsibilities;
   4. Assure the implementation and follow-through of IEPs;
   5. Work with Head Start personnel to maximize the service delivery, cost effectiveness of services, and jointly plan the transition to public school; and
   6. Count children placed in integrated settings on child count and assure that the students are appropriately served by certified or licensed personnel for special education and related services.

Reevaluation

The purpose of the reevaluation process is to provide a systematic follow-up and reassessment of children placed in a program. Reevaluation allows for the projection of updated goals and the formulation of appropriate, supportive objectives. Therefore, the addition or deletion of special services may be determined at any time that a reevaluation or IEP update occurs. Reevaluation assures that an ongoing flexible, yet appropriate, program is being offered to meet the changing needs of the child.

Although some disabilities would not require the use of intellectual or cognitive tests at the time of reevaluations, the developmental changes of children in the early childhood years might require use of these tests to confirm the child's intellectual status. For this reason, there may also be times when a young child should be reevaluated sooner than the three-year time frame.

Caseload

The following applies ONLY to teachers that DO NOT serve any school-age children:

> The preschool teacher's maximum caseload is 20, regardless of the service delivery system. The preschool teacher should never sign more than 20 active IEPs. The majority of large programs have a morning class and an afternoon class similar to many kindergarten programs. The maximum class size for programs serving preschool children only is 10. There should NEVER be more than 10 preschool handicapped children in a class at one time. It is recommended that a classroom assistant or paraprofessional be employed for those programs functioning at maximum class size.

If a school district chooses to provide a full day program ("full day" is defined as the normal length of school day for that district) for preschool aged children with handicapping conditions, the maximum caseload and class size for that program/teacher would be 10.

Transition

If it is determined that a preschool child receiving special education services will continue to need such services when he/she is of school age, all efforts should be made to see that no unnecessary interruption in the delivery of services occurs. Planning should begin well in advance of the time that a child turns five. A child should never be permitted to leave a preschool program without necessary arrangements having been made to enter that child into an appropriate educational program at the beginning of the next year.

Preschool Funds

Preschool funds are formula funds which flow to the state on the basis of the number of handicapped children served, three through five years of age. The funds are meant to assist state and local agencies to provide educational services to young children ages three through five who are handicapped. The use of these funds must be supplemental to existing programs and non-supplantive.

Some appropriate activities for the use of these funds are:

1. Providing special education and related services which include speech or language therapy, occupational therapy, physical therapy, and other related services;
2. Providing essential diagnosis and assessment for children ages three through five;
3. Providing transportation essential to the delivery of services;
4. Providing parents with child development information to promote development and early recognition of problems;

5. Assisting parents in the understanding of the special needs of a handicapped child; and

6. Providing parent counseling and parent training, where appropriate, to enable parents to work more effectively with their children.

VII. PROJECT ECHO (ENRICHING CHILDREN'S HEARING OPPORTUNITIES)

Because a deaf condition is not visible, it can be overlooked. Early identification is essential if a deaf child is to learn language, since language is learned normally by the age of three and one-half to four and one-half years.

Project ECHO is a statewide program for hearing impaired children from birth to six years of age that provides service which includes identification and a home intervention program which teaches parents to:

1. Manage their child's hearing aid;
2. Teach their child to use the hearing he has;
3. Develop a system of communication; and
4. Help develop language in the home.

Parent/infant services include:

1. Family orientation;
2. Weekly visits to the home by a trained parent advisor to teach auditory and language skills;
3. Parent groups;
4. Ongoing evaluation of child's auditory and language development; and
5. Staffings held semiannually to evaluate progress.

Project ECHO Case Management Procedures

Initial referrals for Project ECHO services to families of hearing impaired children should be made to the state coordinator of Project ECHO.

Home visits will begin after evaluation and recommendation for approval by the coordinator. The superintendent of the LEA in which the hearing impaired child is a legal resident will be notified by a letter from the Special Education Section of the SDE. It will contain pertinent information and specific instructions on case management and reimbursement procedures.

Project ECHO parent advisors will be cooperatively selected, trained and assigned by joint efforts of the LEA and SDE.

Method of Reimbursement to LEA's for Project ECHO Expenses

Applications for reimbursement will be sent to the LEA by the Special Education Section with the initial letter of notification. Completed applications based on monies paid to parent advisors as authorized by the state coordinator should be returned to the state Special Education Section on a quarterly basis.

Applications for reimbursement will be reviewed and checks mailed to the LEA at the end of each quarter.

Requests for additional information should be directed to the state coordinator of Project ECHO.

VIII. PROJECT INSITE
(Home Intervention for Sensory Impaired Infants and Their Families)

Project INSITE is a program similar in service delivery to Project ECHO, providing home based services and parent training. The INSITE curriculum addresses the needs of the multihandicapped sensory impaired child. Sensory impairments addressed by this curriculum include vision and/or hearing. In addition to the sensory impairment, the child must be handicapped in another area(s) (e.g., cognitive, physical/motor, language/ communication, psycho-social, and/or self-help).

Project INSITE is a statewide program with registered parent advisors in 25 counties. Children from birth to six years of age may receive INSITE services. Services include:

1. Family orientation;
2. Weekly visits to the home by a trained parent advisor to teach skills which address the areas of the child's delay; and
3. Ongoing evaluation of the child's development.

Project INSITE is a service delivery operation available to LEAs. Reimbursement for INSITE services is the responsibility of the district.

Project INSITE Case Management Procedures

Initial referrals for Project INSITE services to families of multihandicapped sensory impaired children should be made to the state coordinator of Project INSITE.

Home visits will begin after evaluation and recommendation for approval by the coordinator. The superintendent of the LEA in which the multihandicapped sensory impaired child is a legal resident will be notified by a letter from the Special Education Section of the SDE. It will contain pertinent information and specific instructions on case management and reimbursement procedures.

Project INSITE parent advisors will be cooperatively selected, trained and assigned by joint efforts of the LEA and SDE.

IX. REGIONAL EDUCATION SERVICE CENTERS AND SERVICES OFFERED

The RESCs are an integral part of the special education services provided by the SDE. They, along with the Special Education Section, are uniformly administered by the associate state superintendent for federal/state programs.

RESC SECTION STAFF

Dean Niles	Director
Norma Flournoy	Assistant Director
Virginia Cox	Secretary

Oklahoma's 21 RESCs were authorized and assigned services by the Oklahoma Legislature in Senate Bill 581 (1974), Senate Bill 704 (1976), and House Bill 1049 (1989). Each center is to provide the services mandated by law and state board action. Centers are to offer school districts professional assistance in a variety of efforts aimed toward the improvement of instruction for students. Each center is to provide core services which include, but are not limited to:

Student Appraisals

1. Conduct educational screening as mandated in Oklahoma Senate Bill 581 (The Prescriptive Teaching Act of 1974); Senate Bill 214 (Gifted and Talented Act of 1982); and House Bill 1466 (Education Improvement Act of 1985); and

2. Provide diagnostic and evaluation service for students who are exhibiting learning problems and/or exceptionalities.

Media

1. Maintain an acquisition, cataloging and shelving operation for the purpose of providing a lending service (generally, loan periods will range from two weeks to a month); and

2. Provide special education materials on a prescriptive basis to the classroom teacher who has students with learning problems.

Individualized Learning Plans

1. Provide prescriptive teaching plans to teachers for students having learning problems; and

2. Provide consultation for educators and parents working with or having students with learning problems.

Staff Development

1. Assist in organizing and presenting workshops, conferences, institutes, and other inservice programs for educators working with students with special needs;

2. In these inservice programs, emphasis of the awareness, utilization and adaptation of appropriate materials, learning theory, research finding, and other topics;

3. Maintain good working relationships with teacher training institutions; and

4. Provide technical assistance to school districts in developing inservice plans in conjunction with the statewide Comprehensive System of Personnel Development as required by federal mandate (Public Law 94-142 and amendments).

Coordination of Education Services

1. Assist in the improvement of present services for students;

2. Lead in the establishment of new education services;

3. Lead in curriculum development; and

4. Promote interagency cooperation. To accomplish this, at least two regional interagency meetings are conducted per year. The interagency coordinator of the Special Education Section shall assist as appropriate in this effort.

The offices for these RESCs and counties served are:

ADA RESC XIV--Irving Community Center, 704 North Oak, Ada, OK 74820-3267, Steve Stewart Administrator, 405/332-6314; Counties: Coal, Garvin, Pontotoc, and Seminole.

AFTON RESC V--Afton Elementary, P.O. Box 430, Afton, OK 74331-0430, Sue Bray, Administrator, 918/257-4228; Counties: Craig, Delaware, Mayes, and Ottawa.

ALTUS RESC XVII--Robert E. Lee School, 600 West Pecan, Altus, OK 73521-4353, Thel Cummins, Administrator, 405/482-4197; Counties: Harmon, Jackson, and Kiowa.

ALVA RESC II--Professional Bldg.-Suite C, 410 4th Street, Alva, OK 73717-2363, Doris Curtis, Administrator, 405/327-0603; Satellite: Tri-County, 2411 Williams Avenue, Woodward, OK 73801-5725, 405/254-3232; Counties: Alfalfa, Dewey, Ellis, Grant, Harper, Major , and Woods.

ANADARKO RESC XII--Anadarko Municipal Complex, S.W. 6th & Kentucky, P.O. Box 1355, Anadarko, OK 73005-1355, Pat Moran, Administrator, 405/247-6688; Counties: Caddo, Grady, and Stephens.

ARDMORE RESC XIX--100 Broadlawn Village, Ardmore, OK 73401-1723, Harlyn Smith, Administrator, 405/223-2459; Counties: Carter, Jefferson, Johnston, Love, Marshall, and Murray.

BARTLESVILLE RESC IV--316 S.W. Seminole, Bartlesville, OK 74003-3331, Lloyd A. Scott, Administrator, 918/336-3071; Counties: Nowata, Osage, Rogers, and Washington.

BURNS FLAT RESC VI--John Ross Elementary School, P.O. Box 169, Burns Flat, OK 73624-0169, David Cowan, Administrator, 405/562-3127; Counties: Beckham, Custer, Greer, Roger Mills, and Washita.

DURANT RESC XXI--124 North 12th Street, Durant, OK 74701-4718, Sharon Bowles, Administrator, 405/924-8866; Counties: Bryan.

GUYMON RESC I--Academy Elementary School, 8th & Academy Street, P.O. Box 1755, Guymon, Oklahoma 73942-1755, Twanda Tyson-Lower, Administrator, 405/338-8901; Counties: Beaver, Cimarron, and Texas.

HUGO RESC XX--215 East Kirk, P.O. Box 868, Hugo, OK 74743-0868, Glenda Fry, Administrator, 405/326-5767; Satellite: 106 N.E. Avenue A, Idabel, OK 74745-0837, 405/286-5930; Counties: Atoka, Choctaw, Latimer, McCurtain, and Pushmataha.

KINGFISHER RESC VII--Courthouse Annex #202, 6th & Sheridan, Kingfisher, OK 73750-3224, Dale Roberts, Administrator, 405/375-5666; Counties: Blaine, Canadian, Kingfisher, and Logan.

LAWTON RESC XVIII--110 E. Gore Boulevard, Lawton, OK 73501-3070, Sandra Boyd, Administrator, 405/357-7185; Counties: Comanche, Cotton, and Tillman.

MCALESTER RESC XV--L'Overture Building, 14th & Cherokee, McAlester, OK 74502, Joyce A. Foutch, Administrator, 918/423-6271; Counties: Haskell, Hughes, McIntosh, and Pittsburg.

MOORE RESC XIII--404 North Chestnut, Moore, OK 73160-4832, Dianne G. Mathis, Administrator, 405/799-4458; Counties: Cleveland, McClain, and Pottawatomie.

MUSKOGEE RESC XI-Education Center, 570 North 6th, Muskogee, OK 74401-6009, Beverly Hargis, Administrator, 918/683-3040; Counties: Cherokee, Muskogee, and Wagoner.

OKLAHOMA COUNTY RESC VIII--4111 N. Lincoln Blvd.-Suite 11, Oklahoma City, OK 73105-5213, Wayne Brooks, Administrator, 405/521-4917; Counties: Oklahoma.

SALLISAW RESC XVI--312 South Walnut, P.O. Bo 627, Sallisaw, OK 74955-0627, Dale Kirk, Administrator, 918/775-3722; Counties: Adair, LeFlore, and Sequoyah.

STILLWATER RESC III--Rosewood Hills, 211 N. Perkins Rd.-Suite 6, Stillwater, OK 74075-5519, James Casey, Administrator, 405/624-1315; Satellites: 831 East Oklahoma, Enid, OK 73701, 405/234-5951; 613 E. Grand, P.O. Box 271, Ponca City, OK 74079-066, 405/765-4520; Counties: Garfield, Kay, Noble, Pawnee, and Payne.

STROUD RESC IX--Stroud Middle School, P.O. Box 667, Stroud, OK 74079-5519, Janet Canning, Administrator, 918/968-2518; Counties: Creek, Lincoln, and Okfuskee.

TULSA RESC X--440 South Houston-Suite 200, Tulsa, OK 74127-8916, James R. King, Administrator, 918/581-2353; Counties: Tulsa and Okmulgee.

X. FUNDING

A. State of Oklahoma

1. State funds for the education of exceptional children are distributed as mandated by state law. Local districts receive funds based on a weighted pupil formula using the December 1 child count data.
2. Special service funds are available for certain special purposes such as homebound.

B. Federal

Federal legislation enacted in 1975 (Public Law 94-142) provides funds for special education and related services. EHA-B monies are awarded via a noncompetitive application based on the number of handicapped children served. At least seventy-five percent of funds awarded to the State Department of Education by the U.S. Office of Special Education Programs are awarded to local education agencies upon receipt of approvable applications.

Federal Requirements

1. The local school or cooperative program must:
    a. Generate a minimum of $7,500 through child count, and/or
    b. Be of sufficient size and scope as determined by the SDE to effectively meet the educational needs of handicapped children;
    c. Meet the excess cost requirements; and
    d. Meet nonsupplanting requirements.
2. Nonsupplanting (34 CFR 300.230)
    a. Each LEA application must provide assurance that the LEA uses funds provided under Part B of the Act to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of handicapped children, and in no case to supplant those state and local funds.
    b. To meet the requirement in paragraph "a" of this section:

(1) The total average per capita amount of state and local funds budgeted by the LEA for the current fiscal year for the education of handicapped children must be at least equal to the total average per capita amount of state and local school funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for:

   (a) Decreases in enrollment of handicapped children; and

   (b) Usually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities; and

(2) The LEA must not use Part B funds to displace state or local funds for any particular cost.

3. LEA Use of EHA-B Funds

The congressional intent inherent in Public Law 94-142 is that LEAs be granted EHA-B funds to provide a free, appropriate, public education for all eligible handicapped children in the least restrictive environment. LEAs must provide the basic educational opportunity for handicapped children and EHA-B funds are to be used for the excess cost of operating special education programs.

Each LEA must adhere to the excess cost requirement in funding identified unserved handicapped students and underserved severely handicapped students in each handicapping category.

Application forms, guidelines, and inservice are provided by the SDE on a yearly basis and as requested.

Public Law 89-313 (Chapter I) (Reserve Monies)

Public Law 89-313 funds are provided to state agencies for programs to meet the special education needs of handicapped children in state-operated or state-supported schools. In addition, funds are available to agencies and LEAs through application procedures from the SDE, Special Education Section.

Public Law 81-874 and Special Education

For those schools eligible for Public Law 81-874 (Impact Aid), there is additional money available for qualified special education students. These students are restricted to those living on Indian land, in tribal housing, or whose parents are in military service.

School administrators who need information on this should contact the School Plant Section of the SDE.

XI. SPECIAL SERVICES

Article XIII - Section 215 of Oklahoma School Laws states:

"Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for exceptional children, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When a school district does not provide special education facilities and qualified teachers, said children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules and regulations as the State Board of

> Education may prescribe to as a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When an exceptional child or pregnant child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the State Board of Education, may provide for home instruction for such child. The State Board of Education is further authorized to cooperate with any school district of the state to make it possible for an exceptional child to attend the regular school by making special provisions for the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building." (70-13-103)

The local school district in which the student resides or is legally transferred submits an Application for Conditional Preapproval for services to the State Department of Education, Special Education Section. (See specific forms for each service, pp. 123-137 in this manual).

Homebound

The program provides the opportunity for children to enjoy achievement in the academic subjects of our public schools and advance in their efforts to obtain an education at their rate of development, when they are unable to attend public school because of physical illness.

NOTE: Students who are experiencing serious emotional problems and extended absences should bereferred for counseling and/or evaluation. Meanwhile, the students who are identified as handicapped under P.L. 94-142 should be placed on a 30 day interim IEP. This procedure is considered a special education homebased procedure rather than homebound.

Eligibility

A child is eligible for homebound services who, because of physical illness, will be absent from a school a minimum of two weeks. (Chronically ill children with high frequency absences may not have two consecutive weeks of absence, but may be considered on an individual basis.)

A child who is absent from school occasionally or because of some minor illness and is not in any danger of having to repeat a grade should not be considered an eligible candidate for the homebound teaching program. This child should be assisted by his teacher to keep up with the class assignments.

Before a child is placed on the homebound program, the superintendent must complete and return the application, accompanied by a physician's statement, to the Special Education Section.

The application for homebound has a listing for 20 students per application. Whenever possible, student's names should be listed on one preapproval form. Each name submitted must be accompanied by a physician's report. Pregnant girls must be listed on a separate form.

Eligibility for Pregnant Girls

Local schools should have a vested interest in the mother's continued education and early first trimester prenatal care.

Girls should be placed in special service programs for pregnancy when the physician considers the home or other LEA-monitored alternative program to be in the best interest of the mother and baby. Appropriate early prenatal care and diet should be encouraged to prevent conditions that impair the student or cause life-long handicapping conditions to the infant's developing brain and neuromuscular system.

Reimbursement for each pregnant girl is limited to $450 per pregnancy. The program may begin in the first trimester and continue until six weeks after delivery, but it will be necessary for the student to come to school for a portion of the time for the school to be completely reimbursed. If the student is unable to attend school during any part of pregnancy, the school may continue the approved instructional program and claim the A.D.A. with documentation of service.

School systems with ten or more eligibile girls are encouraged to provide in-school programs of at least three hours per day. Reimbursement for this type of program shall be as outlined above.

Quality Curriculum

Instruction should be supplemented with audio cassette tapes and class notes prepared by the teacher, peer or cross-age tutor when needed. The instructional program, whether reimbursed by the SDE or the local school, should be documented.

Curriculum should pinpoint essential content for mastery. Concurrent classmate-taped summaries of lessons will provide appropriate support and expedite students' early return or phasing back into the classroom. Students who return to school, graduate or continue school will be considered to be successful homebound students.

Teacher Salary

School districts conducting approved home teaching programs must pay teachers of homebound children a minimum of $9 per hour for 3 one-hour home visits per week. Approved programs will be reimbursed at the end of each semester subject to available funds, not to exceed $27 per week per homebound child, and not to exceed $450 per pregnancy.

Reimbursement

In addition to salary, reimbursement can be made at the state rate per mile for the necessary distance traveled by the homebound teacher, if the distance is 2 or more miles per round trip. The distance is figured from the school the child would normally attend to the child's home.

Attendance and Record of Instruction Accounting

A child receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for one hour per day for three days per week, the child shall be counted as having attended school five days per week, and his attendance shall be so entered in the school register. The material covered, mastered, and needed should be documented.

Teacher Qualifications

Teachers of homebound children shall hold a valid Oklahoma teaching certificate; a special education certificate is not required.

Teachers employed to teach in the regular classroom may be employed to teach homebound children before or after school hours and be paid extra for this service.

Transportation to Regular Class

When a physically handicapped child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the state Special Education Section, is

164

authorized to make provisions for transportation of such a child to attend the regular school in the district where he is authorized to attend.

Reimbursement for Transportation to Out-of-District Special Education Classes

The school district may be reimbursed at six cents per mile for public school buses, not to exceed $450 per child per year. If a private carrier is used, the district may be reimbursed at a rate not to exceed the state rate per mile to and from school, not to exceed $900 per child per year. When more than one child is transported in the same vehicle, an additional charge of not more than half the state rate per mile per additional may be made. (Reimbursement will only be made for one round trip per day).

Therapists/Licensed Physical Therapy Assistant or Certified Occupational Therapy Assistant

Preapproval request should be submitted at the beginning of the school year for physical and occupational therapists, licensed physical therapy assistants (PTAs), or certified occupational therapy assistants (COTAs). These personnel must be employed on a full-time basis, exclusively by applicant, for the specified school year. No reimbursement will be made on a part-time or contracted basis. Reimbursement is $1,250 per semester or $2,500 per year.

Eligibility for Deaf-Blind

1. Child must be categorized as deaf-blind on annual child count.
2. Current physician's report must be on file.
3. Deaf-blind students must be instructed by a qualified teacher who is preferrably certified in the areas of deaf and visual impairment or at a minimum has qualification to work with multihandicapped.

Payments will be made for special education of any deaf-blind child, resident of the State of Oklahoma, in any private or public institution, either inside or outside of the state, but in no case shall payment from state funds for such special education, including board and room, and transportation, exceed $5,000 per child per year. Application for preapproval will be made to determine the exact amount of funds needed and the use of these funds.

Physically Handicapped

The purpose of this service is for mobility assistance for orthopedically impaired, special equipment, devices and books (large print books for partially seeing children), readers, supplies or other facilities, or for special instruction within the regular school building as set out in the law, to make it possible for a physically handicapped child to participate in classroom activities and benefit from the association with other children. A child must be so handicapped that he is physically unable to attend school in a regular classroom without the aid of one or more of the special services.

Reimbursement is not to exceed $225 per semester or $450 per year.

County and Cooperative Programs

County superintendents may organize and operate special education programs as provided by law. Also, two or more school districts are authorized to form cooperative programs to provide special education services. When a teacher is required to travel from one school to another, serving those who need special training, the teacher's travel cost between the schools should be paid. Reimbursement, not to exceed $450 per teacher per year, will be made by the Special Education Section of the SDE.

School-to-Home Telephone System

When a physically handicapped child is taught in his home by the school-to-home telephone system, reimbursement will be made of not more than $300 per year for each child to pay the cost of such services. Reimbursement will be made at the end of each semester.

Boarding Exceptional Children

Reimbursement, not to exceed $450 per child per year, will be made when school districts make provisions for boarding exceptional children who must be transferred from their home districts to school districts providing needed special services.

If applications for aid exceed available funds, each claim will be prorated.

Method of Reimbursement

Special services are reimbursed from a fund established by legislative action. Reimbursement for special services will follow the schedules as stated in the foregoing section, and will be handled in the following manner:

1. A preapproval application (approved) for the special service must be on file with the Special Education Section.

2. Application for aid will be sent by the state Special Education Section to each school district that has on file an approved preapproval for a special service. These applications will be mailed to the districts at the end of each semester. The first semester's application for aid should be returned by January 15. The second semester's application for aid must be returned by June 1.

3. Application for aid will be reviewed and checks will be mailed to the school districts for the amounts to be reimbursed.

Reimbursement will be made at the end of each semester, using half of the appropriated funds for each semester.

NOTE: All second semester applications for aid must be in the special education office by June 1.

XII. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

34 CFR 300.380-300.387 of the regulations for EHA require the SDE to design and implement an ongoing CSPD. The purpose of such a system is to coordinate all personnel preparation activities within the state to ensure that the number and type of personnel needed to provide special education and related services to all identified handicapped children are *available* and are *qualified* to provide the free, appropriate, public education guaranteed by state and federal law.

The basic concept inherent in CSPD is "participatory planning" by personnel of agencies listed below:

1. State Department of Education (Special Education and RESCs)
2. LEAs
3. Teacher training colleges and universities
4. Other agencies providing services to handicapped children
5. Parents of handicapped children
6. Professional organizations

166

To ensure the effective implementation of comprehensive system of personnel development at the district level, an administrative structure is used that assigns the primary responsibility for the system to personnel at the district level. As part of each LEA district plan for EHA-B, an LEA must have a CSPD committee with the specific responsibilities listed below:

1. Using an SDE instrument, conduct an annual needs assessment to identify:

    a. Inservice training needs;
    b. Retraining needs;
    c. New special service personnel needs

    The annual needs assessment required by 300.382(b) may be conducted anew, or each local CSPD committee could review and select unmet previous year prioritized needs as those to be addressed during the current year. Additional newly identified needs could be added to form an up-to-date list;

2. Prioritize training/retraining needs;

3. Develop a CSPD training plan (as indicated in the needs assessment);

4. Implement the plan, monitor activities, evaluate and annually update the above procedures; and

5. Establish a procedure for disseminating information.

To assist local districts in implementing their CSPD training plan, the Special Education Section makes funds available each year to support training activities. These funds should assist the implementation of district training plans. The amount varies depending on the December 1 child count and availability of federal funds.

With the enactment of House Bill 1706, additional staff development funds and opportunities are available to local personnel. Although CSPD training is restricted to improving special education capabilities, a district may meet the requirements of House Bill 1706 by expanding the existing CSPD committee through the addition of extra teachers to make a majority of the membership instructional staff. This two-in-one approach allows an interface that can produce a high degree of cost effectiveness in terms of man-hours and dollars.

For further information on CSPD, contact the State Department of Education, Special Education Section, (405) 521-3351.

XIII. COMPLAINT PROCEDURES

The Special Education Section provides technical assistance to parents, professionals, school districts, public agencies, and other organizations with responsibilities or interests in educating handicapped children. These activities facilitate implementation of special education and related services in compliance with state and federal requirements. Knowledge and awareness of parents rights and procedural safeguards are also enhanced through these activities. In many instances, clarification of applicable requirements, additional information, and consultation help school districts, parents, or other agencies to resolve differences and work more effectively together.

In addition to these ongoing services, the State Department of Education has available a formal complaint management system for specific complaints/allegations of violations by school districts, public agencies, the SDE, or other responsible agencies.

Provisions for complaint procedures by state educational agencies are found in 34 CFR 76.780-76.783. Efforts to resolve problems by informal approaches prior to filing complaints are encouraged by the SDE.

but formal, written complaint procedures may be pursued by agencies or individuals when these efforts have not achieved satisfactory resolution.

Complaint procedures are as follows:

1. Complaints shall be written and include: (a) a statement that the responsible school district, agency, or SDE has violated a requirement of a federal statute or applicable regulation; (b) the facts on which the statement is based; and (c) the signature of the individual or organization filing the complaint. Complaints should be addressed to: Technical Assistance Officer For Complaints, Special Education Services, Oklahoma State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

2. The Special Education Section will acknowledge, in writing, the receipt of the formal complaint within 15 calendar days. Copies of this written acknowledgement will be mailed to the involved parties and to the appropriate SDE personnel. Written notice of parent rights will be included.

3. Telephone calls and other contacts will be made to determine the circumstances and facts pertaining to the complaint. The parties involved may be requested to submit documentation such as copies of student records or other written verification of actions. Through these inquiries, the context and nature of the complaint will be more clearly defined.

4. If further information or review is deemed necessary by the SDE, an on-site investigation will be conducted. The on-site might include activities such as reviewing records, observation of program implementation, and conducting interviews with staff and/or parents.

5. Follow-up activities to assist resolution of the complaint may include technical assistance, consultation, mediation conferences, or other recommended interventions.

6. After facts are gathered, the SDE will report the findings in writing. The findings of fact will address whether the complaint of alleged violations is substantiated and will include instructions for correcting any substantiated violations. This information will be provided by the SDE to the involved parties.

7. Complaint investigation and resolution shall be completed within 60 calendar days from receipt of the formal written complaint by the Special Education Section. Extensions of timelines may be granted only if exceptional circumstances exist regarding a specific complaint.

8. The complainant or either party may request the Secretary of the U.S. Department of Education to review the final complaint decision of the SEA.

Substantiated Complaints/Violations and Possible Sanctions/Hearings

When school districts or other responsible agencies are found to have violated state or federal requirements, necessary corrective actions will be outlined and provided with the SDE written summary of findings. The school district or agency shall respond to the SDE within timeframes delineated for the required corrective actions. Compliance cannot be assured until the corrective actions have been approved and verified by the SDE.

Noncompliance with state and federal regulations for the education of handicapped children may result in: (a) disapproval of applications for funds; (b) withholding of funds; (c) repayment of misspent or misapplied federal funds; (d) suspension or loss of accreditation; and/or (e) other sanctions.

School districts or agencies receiving federal monies for educating handicapped children may request a hearing if they allege that any actions of the SDE, in response to noncompliance findings, have violated state or federal statutes or regulations. The SDE shall provide notice and opportunity for a hearing before sanctions are imposed.

Procedures for SDE hearings to review such actions and make decisions in these matters shall be as provided in 34 CFR 76.401 and 76.783.

XIV. DUE PROCESS HEARING AND APPEAL PROCEDURES

Introduction

Under the authority of EHA, formerly known as P.L. 94-142, 70 O.S. Supp. 1987, § 3-104, and the Oklahoma Administrative Procedures Act, 75 O.S. 1971, § 301 et seq., the Oklahoma State Department of Education, in keeping with the constitutional rights and privileges accorded its citizens, does hereby establish the following policies and procedures to guarantee due process protection to children and their parents in regard to identification, evaluation and educational placement of a child.

The Oklahoma State Department of Education does hereby seek to resolve disputes between parents and educators concerning the education of a handicapped or purported- to-be handicapped child through mediation or other informal means.

The Comment to Section 300.506 (the federal regulations to the EHA) provides the following:

> "Many States have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State educational agencies or local educational agency personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's right under this subpart."

Mediation may be requested by either party but must be attended by both parties. The parties involved may or may not have representatives at the mediation; however, those persons attending should be in a position of authority to make decisions. Trained mediators may be requested from the SDE , Special Education Services. Such request must be in writing and reflect the agreement by all concerned for mediation to be conducted by the SDE.

Either party may refuse to participate in a conference without prejudice to any procedural safeguard afforded under this manual or any applicable state or federal law. Also, the mediation meeting does not alter the required time lines.

Due Process Hearing

A major element of due process is that an opportunity is provided for the creation of a forum that will provide an objective review of the parent/LEA disagreement and ultimately produce an objective decision resolving the dispute. Regardless of the formal and informal steps leading to a hearing and the many procedural provisions that must be met in the hearing itself, the key concept is that the final decision of the hearing officer will be impartial. Each public agency shall access the due process hearing system established and implemented by the SDE.

A request for a due process hearing may be initiated at any time and the decision shall be rendered within 45 calendar days of the time the request is received at the SDE unless this timeline is extended by the assigned hearing officer in accordance with the regulations of EHA appearing at 34 CFR 300.512(c).

Who May Request a Hearing and for What Purpose?

A parent, guardian, a person acting as a parent of a child in accordance with 34 CFR 300.10, a surrogate parent appointed in accordance with 34 CFR 300.514, or the LEA may request a hearing for any of the following reasons:

1. The proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or

2. The refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. (34 CFR 300.504(a)(1) and (2))

How is a Request for a Due Process Hearing Initiated?

If the parents (as defined at 34 CFR 300.1) request a due process hearing, they must present a signed written request for a hearing to the local school administrator stating the child's name, date of birth, current grade or class placement, and the specific reason(s) for challenging the identification, evaluation, placement or appropriateness of the education of the child in question. At the same time a copy of this request must be mailed to the SDE, Special Education Services, for assignment of the hearing officer.

If the LEA requests the due process hearing, it must present a signed written request for a hearing to the parents (as defined at 34 CFR 300.10), stating the child's name, date of birth, current grade or class placement, and the specific reason(s) for challenging the identification, evaluation, placement or appropriateness of the education of the child in question. At the same time a copy of this request must be mailed to the SDE, Special Education Services, for assignment of the hearing officer.

It is strongly recommended that all correspondence be certified mail, return receipt requested, to provide documentation.

The timelines concerning a due process hearing will begin when a signed written request is received by the SDE, Special Education Services, from either the parent or the LEA.

The Hearing Officer

The term "impartial hearing officer" shall mean the appointment of a trained individual by the SDE, Special Education Services, for the purpose of presiding at due process hearings.

It shall be the responsibility of the SDE to ensure that the hearing officer assigned to a particular hearing is unbiased. Any party to a due process hearing may challenge the assignment of a particular hearing officer. It shall be the responsibility of the SDE to assign a new hearing officer to the case upon a showing that the appointed hearing officer is biased (or other good cause).

Decision of the Hearing Officer

The decision of the hearing officer shall include findings of fact in accordance with 34 CFR 300.508(a)(5).

The decision of the hearing officer shall state that this decision is binding upon the parents (or the child, if over the age of majority), and upon the LEA, its officers, employees, and agents, subject to procedures for administrative or judicial appeal, and that any questions regarding appeal procedures may be directed to the

State Department of Education, Special Education Services, Hodge Education Building, Oklahoma City, 73105-4599. A statement of the procedures to be used for appealing such decision shall be included in the decision.

Conduct of Administrative Appeals

Appeals must be initiated by a parent or by the LEA and must be made within 30 calendar days after receipt of the decision. The appeal of a decision of the hearing officer will be reviewed by the SDE's impartial designee. Each appeal officer will meet the same qualifications required of all hearing officers. All requests for appeals must be mailed to the Oklahoma State Department of Education, Special Education Services. It shall be ensured by the SDE that, not later than 30 calendar days after the receipt of a request for a review, a final decision will be reached and a copy of the decision mailed to each of the parties, unless this timeline is extended by the assigned appeal officer in accordance with 34 CFR 300.512(c).

If there is an appeal, the SDE will assign an appeal officer to conduct an impartial review of the hearing. The appeal officer conducting the review shall:

1. Examine the entire hearing record;

2. Ensure that the procedures at the hearing were consistent with the requirements of due process;

3. Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in 34 CFR 300.508 apply;

4. Afford the parties an opportunity for oral or written argument, or both, at the discretion of the appeal officer;

5. Make an independent decision on completion of the review; and

6. Give a copy of written findings and the decision to the parties.

The decision made by the appeal officer is final, unless a party brings a civil action under 34 CFR 300.511.

Each public agency shall access the due process system established and implemented by the SDE.

NOTE: Upon request for a due process hearing, Special Education Services will send the parties the *Guidelines for Parents and School Administrators, Due Process in Special Education* manual which gives the details of each party's rights and responsibilities, and the procedures of the hearing.

XV. SEA MONITORING PROCEDURES

Each LEA will submit annually through Part I of the LEA application a list of all public/private agencies, institutions, and organizations within the boundaries of the school district which are responsible for providing special education programming. Based on this information, the SDE will conduct annual comprehensive monitoring of approximately one-third of the state's LEAs, including all appropriate agencies within these districts. In addition, certain LEA documents will be monitored off-site.

SDE monitoring procedures will document the following:

1. The effectiveness of procedures undertake to identify, locate and evaluate handicapped children; (34 CFR 300.128(a) (5))

2. Implementation of IEPs; (34 CFR 300.130 (b) (2)) and

3. Compliance with procedures for placing handicapped children in private schools (34 CFR 300.402 (a)); as well as applicable state and federal requirements.

Documentation of compliance in these areas will be accomplished in the process of completing the SDE *Public Agency Monitoring Document*. This instrument will be completed utilizing pre-site and on-site information. Agencies will be reviewed according to specific criteria in order to establish areas of systemic non-compliance. Further explanation of procedures can be found in the "Guidelines for Monitoring Special Education Programs in Oklahoma."

Enforcement of any obligations imposed on agencies, institutions, and organizations responsible for carrying out special education programming will be implemented as outlined in "Responsibility of State Department of Education for All Educational Programs" component of the 1991-93 State Plan.

An agency is entitled to an opportunity for a hearing with respect to identified deficiencies within ten days of receipt of the evaluation report.

Follow-Up/Corrective Action Plan

An agency will be required to submit "corrective actions" to the SDE within 30 days of receipt of the written monitoring evaluation/corrective action report. The corrective action plan will include a description of the steps which provides for:

1. The elimination of any past effects of a deficiency;

2. The prevention of any similar deficiency in the future;

3. The description of each action the agency will take to correct identified deficiencies and achieve future compliance, including adequate inservice training where appropriate (indicating dates, topic(s) and attendees);

4. Documentation to verify the initiation and completion of those actions needed to assure correction of current deficiencies and prevention of future ones; and

5. The time frame for achieving full compliance.

The agency's corrective action(s) plan is subject to approval by the SDE. Where necessary, technical assistance will be provided to agencies to aid in implementation of the plan. Verification of the corrective actions of the agency will occur in a variety of ways, depending upon the nature of the deficiencies. Some examples may include:

- Contact with the agency's administration (superintendent, school board, county superintendent or other designated responsible agent)
- Continuous contact with SDE technical assistance staff
- Follow-up on-site visitation by SDE personnel
- Final report submitted by agency to officials.

Enforcement

Sanctions for failure to correct an identified deficiency will be determined by the SDE and shall be based upon the individual area of noncompliance. The time periods in which these sanctions will be imposed shall be at the discretion of the SDE.

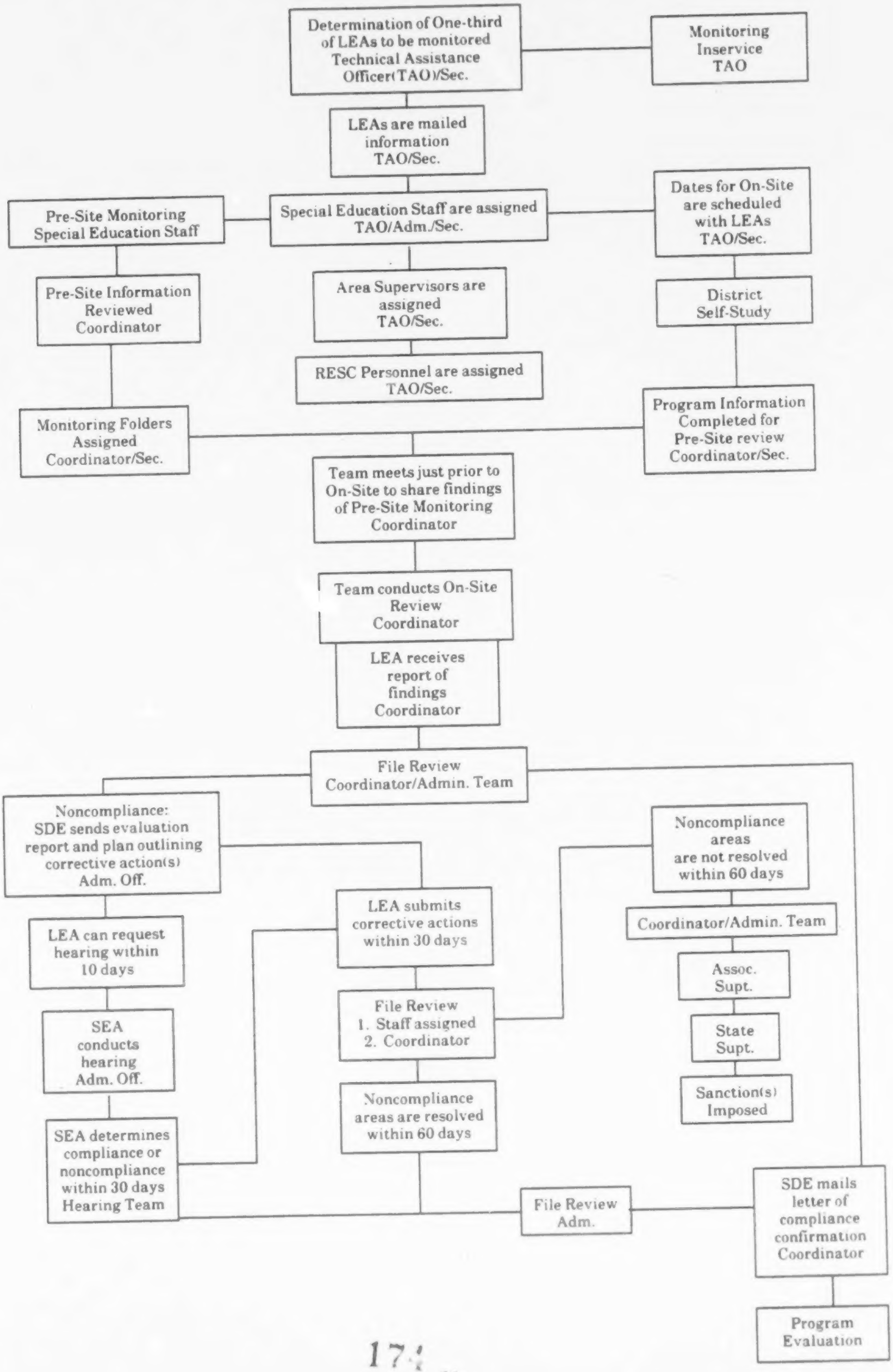
172

1. Noncompliance with state and federal regulations for education of handicapped children may result in: (a) disapproval of applications for funds; (b) withholding of funds; (c) repayment of misspent or misapplied federal funds; (d) suspension or loss of accreditation; and/or (e) other sanctions.

2. School districts or agencies receiving federal monies for educating handicapped children may request a hearing if they allege that any actions of the SDE, in response to noncompliance findings, have violated state or federal statutes or regulations. The SDE shall provide notice and opportunity for a hearing before sanctions are imposed.

3. Procedures for SDE hearings to review such actions and make decisions in these matters shall be as provided in 34 CFR 76.401 and 76.783.

SPECIAL EDUCATION MONITORING
FLOW-CHART


Determination of One-third of LEAs to be monitored Technical Assistance Officer(TAO)/Sec.
Monitoring Inservice TAO
LEAs are mailed information TAO/Sec.
Pre-Site Monitoring Special Education Staff
Special Education Staff are assigned TAO/Adm./Sec.
Dates for On-Site are scheduled with LEAs TAO/Sec.
Pre-Site Information Reviewed Coordinator
Area Supervisors are assigned TAO/Sec.
District Self-Study
RESC Personnel are assigned TAO/Sec.
Monitoring Folders Assigned Coordinator/Sec.
Program Information Completed for Pre-Site review Coordinator/Sec.
Team meets just prior to On-Site to share findings of Pre-Site Monitoring Coordinator
Team conducts On-Site Review Coordinator
LEA receives report of findings Coordinator
File Review Coordinator/Admin. Team
Noncompliance: SDE sends evaluation report and plan outlining corrective action(s) Adm. Off.
Noncompliance areas are not resolved within 60 days
LEA submits corrective actions within 30 days
Coordinator/Admin. Team
LEA can request hearing within 10 days
Assoc. Supt.
File Review 1. Staff assigned 2. Coordinator
SEA conducts hearing Adm. Off.
State Supt.
Sanction(s) Imposed
Noncompliance areas are resolved within 60 days
SEA determines compliance or noncompliance within 30 days Hearing Team
File Review Adm.
SDE mails letter of compliance confirmation Coordinator
Program Evaluation

XVI. SPECIAL EDUCATION FORMS

175

SDE Form 1

STATE DEPARTMENT OF EDUCATION

Confidential Record

Student ____

Birthdate ____________________ Sex: Male _______ Female _______

The following persons have accessed these records:

Signature	Purpose	Date

These special education records are to be maintained in a confidential manner in accordance with the Family Educational Rights and Privacy act (34 CFR Part 99) and the Education of the Handicapped Act (34 CFR 300.560-300.576).

On ____________________________, this student:
(month/day/year)

_____ Moved out of district
(no longer enrolled)
_____ Withdrew
_____ Dropped Out

SDE Form 2
(1 of 2)

STATE DEPARTMENT OF EDUCATION

REFERRAL FOR EVALUATION

Name of Student ______________________ Address ______________________

City ______________________ Zip __________ Phone __________

Birthdate __________ Age _____ Sex _____ School ______________________ Grade _____

Circle grade(s) repeated: K 1 2 3 4 5 6 7 8 9 10 11 12 None

______________________ ______________________ __________
Mother's/Guardian's/Surrogate Parent's Name Street City Zip Phone: Home/Work

______________________ ______________________ __________
Father's/Guardian's/Surrogate Parent's Name Street City Zip Phone: Home/Work

Referral made to: ______________________

State reason for referral: ______________________

____

Give specific information about:

Work habits/attention: ______________________

____

Pre-Academic/Academic performance: ______________________

____

Behavior in regular learning environment: ______________________

____

Supplemental aids and services used, or attempted, in the regular learning environment: __________

____

If supplemental aids and services are not being used, or will not be attempted in the regular learning environment, state why:

____

To expedite evaluation procedures this form should be filled out in its entirety and provided to the agency that will be conducting the evaluation along with a signed Parent Permission form.

Referring Person: ______________________ Position: ______________________

Date ______________________

177

Educational Data: (2 of 2)

Preschool: _____________________

Attended Kindergarten: Yes _____ No _____ If attending Kindergarten: a.m. _____ p.m. _____

If attending Vo-Tech: a.m. _____ p.m. _____

List programs attended and any related services being received:

Special Education _____________________ Remedial/Other _____________________

Previous schools attended: _____________________

Please indicate any recent group/individual assessments that have been given in these areas. For areas in which achievement test scores are not available, check classroom performance in appropriate column.

	Date	Evaluation Measure	Developmental Levels
1. Expressive Language			
2. Receptive Language			
3. Gross Motor			
4. Fine Motor			
5. Self-Help/Social			
6. Cognitive			

	Date	Eval.	Level	Classroom Performance*	
				S	U
1. Oral Expression					
2. Listening Comprehension					
3. Written Expression					
4. Basic Reading Skills					
5. Reading Comprehension					
6. Mathematic Calculation					
7. Mathematic Reasoning					

* S-Satisfactory U-Unsatisfactory

Previous Evaluations:	Date	Test Given	Agency

Language/Communication Data:

Child's native language/mode of communication _____________________

Language spoken at home: _____________________

Speech/language problems: Yes _____ No _____ Describe _____________________

Receiving speech/language therapy: Present _____ Previous _____ None _____

Health Data:

Hearing problems: Yes _____ No _____ Describe _____________________

Date of last hearing test/screening _____________________ Results _____________________

Visual problems: Yes _____ No _____ Describe _____________________

Date of last visual test/screening _____________________ Results _____________________

Describe any physical limitations or motor impairments _____________________

Other pertinent medical or developmental information _____________________

List medication taken regularly _____________________ Reason _____________________

Additional Considerations:

Each school district/public agency is required by P.L. 94-142 to document **social or cultural background information and adaptive behavior functioning** for eligibility/placement decisions. Information on methods of assessing adaptive behavior is available from Special Education Services of the State Department of Education.

SDE Form 3
(1 of 3)

STATE DEPARTMENT OF EDUCATION
PARENT PERMISSION FORM

Dear Parent/Guardian/Surrogate Parent:

I would like to refer ______________________________ ______________
Child's Full Name Date of Birth

to be evaluated to assist in determining the most appropriate educational program to meet the educational needs of this child.

Options proposed: ______________________________

Areas of concern: ______________________________

______________________________ ______________
Teacher/Referrer Date

In this evaluation process, it will be necessary to share personally identifiable information regarding the child and educational performance. A qualified person will administer tests in areas related to the child's suspected disability/exceptionality as part of the evaluation made by a multidisciplinary team. A description of tests that may be appropriate for this child, as well as your rights, are included with this notice. These should be clearly understood before your consent is given. If permission is granted, you will be notified upon completion of the testing to discuss the results of the evaluation. Contact the person below if you have any questions. Thank you for your assistance.

Signed: ______________________________
School/Public Agency Official Date

______________ ______________________________
Phone Number Building Name Address Zip

I understand the reasons for this referral, the description of the evaluation process and the parent rights listed on the back of this form. I do give my permission for the above services.

______________________________ ______________
Parent/Guardian/Surrogate Parent Signature Date

______________________________ ______________
Address City

______________________________ ______________
Phone Number Zip

Please sign, keep the pink copy, and return the other copies to the above official.

School/Public Agency Use Only:

Notice sent by: U.S. Mail ________ Date Mailed ______________

Personal Delivery ________ Date Delivered ______________

Translation/interpretation needed: Yes _____ No _____

If yes, specify how and when provided: ______________________________

White copy - RESC Yellow Copy - Schools Pink copy - Parents

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION

As the parent/guardian/surrogate parent of a child who is receiving a formal evaluation and/or special education services, you have certain rights according to state and federal regulations. They are explained below in abbreviated form. If you have questions about special education services for your child or about these rights, please contact the State Department of Education, Special Education Services, 405/521-3351, or your local school/public agency.

RECORDS--You have the right to: (1) inspect and review your child's education records which shall be maintained confidentially at all stages; (2) ask for an explanation of any item in the records; (3) have a representative inspect and review the records; (4) request copies of records; the school /public agency may charge reasonable fees for copies but fees may not prevent the right to access; (5) be informed, on request, of locations of records being collected or used; (6) ask for an amendment of any record you feel is inaccurate, misleading, or violates privacy rights; (7) request a hearing if the school/public agency does not voluntarily amend records about which you have concern; (8) give or withhold consent to disclose your child's records; (9) be informed of persons that have accessed the records; (10) be informed before information in your child's file is to be destroyed.

CONSENT--Your consent must be given prior to an evaluation and before initial placement is made in special education. You may withhold or revoke consent at any time, understanding that in such cases the school/public agency has the right to request a hearing to determine if your child should be evaluated or initially placed in a special education program.

PRIOR NOTICE--You must be given written prior notice a reasonable time before the school/public agency proposes or refuses to: initiate or change the identification, evaluation, or educational placement of your child or provision of a free, appropriate public education to your child. This written notice must include the following: (1) a description of the action proposed or refused by the school/public agency, an explanation of why the school/public agency proposes or refuses to take the action, and a description of any options the school/public agency considered and the reasons why those options were rejected; (2) a description of each evaluation procedure, test, record, or report the school/public agency uses as a basis for the proposal or refusal; and (3) a description of any other factors which are relevant to the school's/public agency's proposal or refusal. The notice must be in your native language or other mode of communication, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, the school/public agency shall take steps to ensure that: (1) the notice is translated orally or by other means to you in your native language or other mode of communication, (2) you understand the contents of the notice, and (3) there is written evidence that these responsibilities have been met.

PROTECTION IN EVALUATION PROCEDURES--Testing and evaluation materials shall: be provided and administered in your child's native language or other mode of communication, unless it is clearly not feasible to do so; be validated for the specific purpose for which they are used; and be administered by trained personnel in conformance with the instructions provided by their producer. No single procedure will be used as the sole criterion for determining an appropriate educational program for your child and the evaluation will be made by a multidisciplinary team or group of persons, including one teacher or other specialist with knowledge in the area of suspected disability. Your child will be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. You have the right to receive a description of each evaluation procedure, test, record, or report the school/public agency uses in this process. You have the right to have a reevaluation conducted for your child every three years or more often if warranted or if you or your child's teacher requests it.

INDEPENDENT EVALUATION--You have the right to: (1) be informed where an independent evaluation may be obtained; (2) be informed of the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained; (3) an independent evaluation at public expense if the school's/public agency's evaluation is determined to be inappropriate; (4) have the independent evaluation considered when placement and program decisions are made.

LEAST RESTRICTIVE ENVIRONMENT--You have the right to: (1) have your child educated with nonhandicapped children to the maximum extent appropriate; (2) have your child educated in the regular educational environment unless the nature or severity of your child's handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; (3) have a continuum of alternative placements available for consideration; (4) have placement in the school your child would attend if nonhandicapped unless the individualized education program requires some other arrangement; (5) have your child provided an equal opportunity to participate in nonacademic and extra-curricular services and activities; (6) have consideration be given to any potential harmful effect on your child or on the quality of services your child needs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): You have the right to know that the local school/public agency shall give you the opportunity to participate in IEP development and all IEP reviews for your child. (300.345)

HEARING--You have the right to: (1) request an impartial due process hearing to question the identification, evaluation or placement of your child, or to question the provision of a free appropriate public education; (2) have a hearing decision from a state appointed hearing officer; (3) be told of any free or low-cost legal and other relevant services available; (4) see a statement of the qualifications of the hearing officer; (5) be advised and accompanied at the hearing by counsel and/or individuals with special knowledge or training in problems of the handicapped; (6) have your child present; (7) have the hearing open or closed to the public; (8) present evidence and confront, cross-examine, and compel the attendance of witnesses; (9) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; (10) have a written or electronic verbatim record of the hearing; (11) obtain written findings of fact and a written decision within 45 days after the State Department of Education receives the initial request for the hearing; (12) request an appeal of the hearing decision; (13) appeal in court a decision from the appeal hearing officer; (14) have your child remain in his or her present educational placement while the administrative proceedings are pending, unless you and the school/public agency agree otherwise; (15) request that certain fees incurred by you during these proceedings be paid by the school/public agency should you "prevail" in such proceedings, subject to the provisions of the Handicapped Children's Protection Act of 1986.

HOW TO REQUEST A DUE PROCESS HEARING--A request for a due process hearing must be in writing, signed, and addressed to the local school administrator, and include: your child's name, date of birth, current grade or class placement, and the reason for challenging the identification, evaluation, placement or appropriateness of the education for your child. A copy of this request must also be mailed to the State Department of Education, Special Education Services, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION
Continued

The evaluation may include assessments in:

I. Intelligence and Cognitive Ability

II. Achievement and Knowledge

III. Information Processing and Perceptual Functioning

IV. Development

V. Adaptive Behavior

VI. Language Development, Articulation, Voice and Fluency, and Communication

VII Social-Emotional Functioning

VIII Motor Functioning

STATE DEPARTMENT OF EDUCATION

MULTIDISCIPLINARY EVALUATION TEAM SUMMARY

☐ Initial Evaluation
☐ Reevaluation

Date ____________________

Name of student ____ Birthdate ________________

School district/agency ____________________ School Site ____________________ Grade __________

Specific questions or concerns addressed by the evaluation: ______________________________

____

____

NOTE: State and federal regulations require that the evaluation be performed in the student's native language, that the tests used have been validated for the specific purpose for which they are used; and are administered by qualified personnel in conformance with state policies and with the instructions provided by their producer. The student must be assessed in all areas related to the suspected disability (see *Policies and Procedures*, pp. 29-37).

EVALUATION SUMMARY (Complete only those areas which are pertinent to this student):

AREA	DOCUMENTATION SOURCE(S)	DATE OF INFORMATION	EXAMINER/ PERSON	FINDINGS
Health				
Vision				
Hearing				
Intellectual/ Cognitive				
Educational- Academic/ Developmental				
Communication/ Language				
Motor Functioning				

EVALUATION SUMMARY: (continued) (2 of 2)

AREA	DOCUMENTATION SOURCE(S)	DATE OF INFORMATION	EXAMINER/ PERSON	FINDINGS
Perceptual				
Social/ Emotional				
Adaptive Behavior:				
School				
Home				
Parent Concerns/ Comments:				
Other:				

1. Does the above evaluation(s) constitute a comprehensive evaluation? ____yes ____no

   If no, indicate what additional information is needed. ____________________

2. What are the student's current educational needs? ____________________
3. What are the student's strengths? ____________________
4. What are the student's weaknesses? ____________________
5. Provide a summary of the above results and their effect on the student's educational progress. ____________________
6. Based on the student's current performance, are special education services necessary? ____yes ____no

TEAM MEMBERS

Special Education Teacher	Evaluation Team Member
Diagnostic Team Member*	Regular Teacher*
Other Evaluation Team Member	Other Evaluation Team Member

*Required for teams evaluating a child suspected of having a specific learning disability, regardless of age.

183

SDE Form 5

STATE DEPARTMENT OF EDUCATION

Learning Disabilities--Evaluation Summary

Name____ Date______________

DOB______________ Grade Placement_______________ School____________________

1. Summary of observation of academic performance/behavior in the regular class or age appropriate environment by a team member other than the child's regular teacher:

____

____ ____________________
Observer

2. The relationship of observed behavior to the child's academic performance. ____________________

____

3. Educationally relevant medical findings:

____

____

4. A significant discrepancy exists between ability and the following achievement areas:

_______ Listening Comprehension
_______ Oral Expression
_______ Basic Reading Skills
_______ Reading Comprehension
_______ Written Expression
_______ Mathematics Calculation
_______ Mathematics Reasoning

5. Basis for making discrepancy determination:

____

____

6. Is there evidence of a severe discrepancy between ability and achievement which is not correctable without special education and/or related services: ____Yes, ____No

7. *Ruled out as primary cause: (X)

___a. Physical/Sensory Handicaps
___b. Mental Retardation
_____c. Emotional Disturbance
_____d. Environmental, or cultural, economic disadvantage

*If not ruled out, the child is not eligible for learning disabilities placement.

8. Student's Name: ____

_____does _____does not meet the criteria to qualify as learning disabled.

_________________________________ Agree________ **Disagree__________
Classroom Teacher

_________________________________ Agree________ **Disagree__________
Diagnostic Team Member

_________________________________ Agree________ **Disagree__________
Learning Disabilities Teacher

_________________________________ Agree________ **Disagree__________
Other Specialist

_________________________________ Agree________ **Disagree__________
Other Specialist

**If the team member disagrees he/she must submit a separate statement presenting his/her conclusions.

SDE Form 6
(1 of 2)

STATE DEPARTMENT OF EDUCATION

NOTIFICATION OF MEETING

To: ______________________________ Address ______________________________
Parent/Guardian/Surrogate Parent

____
City State Zip Code Phone

Name of Child ______________________________ Birthdate ______________

School ______________________________ Grade ______________

We would like to meet with you at

____
Location Address

on ______________ at ______________
Date Time

to discuss your child's:

- _____ Comprehensive Evaluation (results, tests administered, etc.)
- _____ Eligibility
- _____ Placement/Individualized Education Program (IEP)
- _____ Review of Placement/IEP
- _____ Reevaluation and Review of Placement/IEP
- _____ Other options to be considered (if applicable):

____
____
____

This conference will provide an opportunity to discuss your child's educational program and any changes that may be necessary for provision of appropriate services. You may ask anyone you wish to attend.

The people indicated below, by position, will be in attendance:

Name	Position	Name	Position

Please contact the person at the address or phone number below by ___/___/___ as to whether you can meet with us at the time and place suggested or if other arrangements convenient for you should be made. As the parent of a child who has been formally evaluated and/or is receiving special education services, you have certain **rights** which are explained on the back of this form. Please review them carefully. Your child's educational program and services will not be changed without prior written notification. If you have questions about your rights, or this notice, please contact the person below.

SIGNATURE ____
School/Public Agency Designee Address Phone No. Date

SCHOOL/USE ONLY: Notice sent by: _____ U.S. Mail Date Mailed ______________
_____ Personal Delivery Date Delivered ______________

Translation/Interpretation needed: _____ No _____ Yes. If yes, specify how and when provided ______________
____

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION

As the parent/guardian/surrogate parent of a child who is receiving a formal evaluation and/or special education services, you have certain rights according to state and federal regulations. They are explained below in abbreviated form. If you have questions about special education services for your child or about these rights, please contact the State Department of Education, Special Education Services, 405/521-3351, or your local school/public agency.

RECORDS--You have the right to: (1) inspect and review your child's education records which shall be maintained confidentially at all stages; (2) ask for an explanation of any item in the records; (3) have a representative inspect and review the records; (4) request copies of records; the school /public agency may charge reasonable fees for copies but fees may not prevent the right to access; (5) be informed, on request, of locations of records being collected or used; (6) ask for an amendment of any record you feel is inaccurate, misleading, or violates privacy rights; (7) request a hearing if the school/public agency does not voluntarily amend records about which you have concern; (8) give or withhold consent to disclose your child's records; (9) be informed of persons that have accessed the records; (10) be informed before information in your child's file is to be destroyed.

CONSENT--Your consent must be given prior to an evaluation and before initial placement is made in special education. You may withhold or revoke consent at any time, understanding that in such cases the school/public agency has the right to request a hearing to determine if your child should be evaluated or initially placed in a special education program.

PRIOR NOTICE--You must be given written prior notice a reasonable time before the school/public agency proposes or refuses to: initiate or change the identification, evaluation, or educational placement of your child or provision of a free, appropriate public education to your child. This written notice must include the following: (1) a description of the action proposed or refused by the school/public agency, an explanation of why the school/public agency proposes or refuses to take the action, and a description of any options the school/public agency considered and the reasons why those options were rejected; (2) a description of each evaluation procedure, test, record, or report the school/public agency uses as a basis for the proposal or refusal; and (3) a description of any other factors which are relevant to the school's/public agency's proposal or refusal. The notice must be in your native language or other mode of communication, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, the school/public agency shall take steps to ensure that: (1) the notice is translated orally or by other means to you in your native language or other mode of communication, (2) you understand the contents of the notice, and (3) there is written evidence that these responsibilities have been met.

PROTECTION IN EVALUATION PROCEDURES--Testing and evaluation materials shall: be provided and administered in your child's native language or other mode of communication, unless it is clearly not feasible to do so; be validated for the specific purpose for which they are used; and be administered by trained personnel in conformance with the instructions provided by their producer. No single procedure will be used as the sole criterion for determining an appropriate educational program for your child and the evaluation will be made by a multidisciplinary team or group of persons, including one teacher or other specialist with knowledge in the area of suspected disability. Your child will be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. You have the right to receive a description of each evaluation procedure, test, record, or report the school/public agency uses in this process. You have the right to have a reevaluation conducted for your child every three years or more often if warranted or if you or your child's teacher requests it.

INDEPENDENT EVALUATION--You have the right to: (1) be informed where an independent evaluation may be obtained; (2) be informed of the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained; (3) an independent evaluation at public expense if the school's/public agency's evaluation is determined to be inappropriate; (4) have the independent evaluation considered when placement and program decisions are made.

LEAST RESTRICTIVE ENVIRONMENT--You have the right to: (1) have your child educated with nonhandicapped children to the maximum extent appropriate; (2) have your child educated in the regular educational environment unless the nature or severity of your child's handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; (3) have a continuum of alternative placements available for consideration; (4) have placement in the school your child would attend if nonhandicapped unless the individualized education program requires some other arrangement; (5) have your child provided an equal opportunity to participate in nonacademic and extra-curricular services and activities; (6) have consideration be given to any potential harmful effect on your child or on the quality of services your child needs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): You have the right to know that the local school/public agency shall give you the opportunity to participate in IEP development and all IEP reviews for your child. (300.345)

HEARING--You have the right to: (1) request an impartial due process hearing to question the identification, evaluation or placement of your child, or to question the provision of a free appropriate public education; (2) have a hearing decision from a state appointed hearing officer; (3) be told of any free or low-cost legal and other relevant services available; (4) see a statement of the qualifications of the hearing officer; (5) be advised and accompanied at the hearing by counsel and/or individuals with special knowledge or training in problems of the handicapped; (6) have your child present; (7) have the hearing open or closed to the public; (8) present evidence and confront, cross-examine, and compel the attendance of witnesses; (9) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; (10) have a written or electronic verbatim record of the hearing; (11) obtain written findings of fact and a written decision within 45 days after the State Department of Education receives the initial request for the hearing; (12) request an appeal of the hearing decision; (13) appeal in court a decision from the appeal hearing officer; (14) have your child remain in his or her present educational placement while the administrative proceedings are pending, unless you and the school/public agency agree otherwise; (15) request that certain fees incurred by you during these proceedings be paid by the school/public agency should you "prevail" in such proceedings, subject to the provisions of the Handicapped Children's Protection Act of 1986.

HOW TO REQUEST A DUE PROCESS HEARING--A request for a due process hearing must be in writing, signed, and addressed to the local school administrator, and include: your child's name, date of birth, current grade or class placement, and the reason for challenging the identification, evaluation, placement or appropriateness of the education for your child. A copy of this request must also be mailed to the State Department of Education, Special Education Services, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

SDE Form No. 7

STATE DEPARTMENT OF EDUCATION

RECORD OF PARENT CONTACTS

Name of Student ______________________ Birthdate ______________ School ______________________

Date of Contact Month/Day/Year	Purpose of Contact	How Contact Was Made/Attempted	Person Making Contact	Response/Results of Contact
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

REGULATIONS REQUIRE THAT ATTEMPTS TO CONTACT PARENTS FOR MEETINGS BE DOCUMENTED in accordance with 34 CFR Section 300.345. For meetings conducted without a parent in attendance, the agency must have a record of its **attempts** to arrange a mutually agreed on time and place. The procedure used to notify parents is left to the discretion of the agency and may be oral, written, or both. See *Policies and Procedures Manual for Special Education in Oklahoma* regarding the required content of the notification to parents prior to meetings.

☐ Interim

SDE Form 8

STATE DEPARTMENT OF EDUCATION

CATEGORICAL ELIGIBILITY STATEMENT

School Year _______

School District/Public Agency ______________________________ County ______________

Name of Student ____________________________________ Birthdate ____________

School ____________________________________ Grade ____________

Based on the multidisciplinary evaluation and the student's current educational performance, the following team members have determined that the above named student ____does ____does not meet the eligibility criteria for special education programming for the

____

(Handicapping Category. If multihandicapped, also list the two concomitant disabilities.)

Signature ________________________ Position ______________ Date __________

Signature ________________________ Position ______________ Date __________

Signature ________________________ Position ______________ Date __________

Signature ________________________ Position ______________ Date __________

Note: The multidisciplinary evaluation team determines eligibility for special education services. The IEP team, which includes the parents, will determine appropriate placement and services to be provided for eligible children with disabilities.

I have been consulted and have been given an explanation of the multidisciplinary evaluation results, the tests administered, and the nature of this handicapping category. I have also received a written statement of my rights concerning the decisions of this team.

Signature of Parent/Guardian/Surrogate Parent ______________________________

Date ________________________

If this child is eligible for special education/related services, a continuum of alternative placements shall be available to meet his or her needs. This continuum includes: instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

If this child is not eligible for special education programming, here are some recommendations for service in the regular classroom:

____

____

____

____

☐ Interim

STATE DEPARTMENT OF EDUCATION

SDE Form 9
(pg. 1 of __)

INDIVIDUALIZED EDUCATION PROGRAM

Name__________ District__________ Site__________ Date__________
Month/Day/Year

Address__________ Grade__________ Birthdate__________ Age______

Statement of Child's Present Levels of Educational Performance__________

Statement of Strengths:__________

Statement of Weaknesses:__________

Annual Goals:__________

Describe why, even with adaptations, removal from the regular educational environment to this extent is required:__________

Short Term Instructional Objectives (Measurable)	Specific Educational & Related Services	Position/Person(s) Responsible	Amount of Time	Beginning Date (mo/da/yr)	Ending Date (mo/da/yr)	Evaluation Procedures	Objective Achieved

Name____ (pg. __ of __)

Short Term Instructional Objectives (Measurable)	Specific Educational & Related Services	Position/Person(s) Responsible	Amount of Time	Beginning Date (mo/da/yr)	Ending Date (mo/da/yr)	Evaluation Procedures	Objective Achieved

Name ______________________________

(pg. __ of __)

INDIVIDUALIZED EDUCATION PROGRAM

Short Term Instructional Objectives (Measurable)	Specific Educational & Related Services	Position/Person(s) Responsible	Amount of Time	Beginning Date (mo/da/yr)	Ending Date (mo/da/yr)	Evaluation Procedures	Objective Achieved
Amount of time in regular academic instructional classroom(s) ______________________ Adaptations required: No ☐ Yes ☐ Objective(s):							
Physical Education Regular ☐ Not Applicable ☐ Explain: Adaptive ☐ Objective:							
TRANSITIONAL PLANNING: Vocational Education (If 8th grade or above, this section must be addressed) No ☐ Explain: Yes ☐ Objective: Vocational Rehabilitation (If age 16 or above, this section must be addressed) No ☐ Explain: Yes ☐ Objective:							

Name ____ (pg. __ of __)

INDIVIDUALIZED EDUCATION PROGRAM

LEAST RESTRICTIVE ENVIRONMENT:

A. Check the placement which is least restrictive based upon the multidisciplinary evaluation and the individualized educational needs of this child:

____ Full-time regular class--consultant
____ Full-time regular class--itinerant teacher
____ Full-time regular class--resource teacher
____ Part-time special education placement
____ Full-time special education placement
____ Special day school (____public, ____private)
____ Homebased
____ Residential (____public, ____private)
____ Hospital

B. List lesser restrictive placement options considered and the reasons why those options were rejected:

Option(s) 1. ______________________________ Reason: ______________________________
2. ______________________________ Reason: ______________________________

C. 1. Is this educational placement as close as possible to the child's residence? ____Yes ____No. If no, explain: ______________________________

2. Have advantages and disadvantages of this placement and the quality of services been considered? ____Yes ____No. If no, explain: ______________________________

3. To the maximum extent appropriate, is this child educated with age appropriate non-handicapped? ____Yes ____No. If no, explain: ______________________________

4. If separate facilities are utilized, provide justification: ______________________________

D. Full Educational Opportunity (include participation in non-academic, extra curricular activities): ______________________________

Least Restrictive Environment: All team members agree that this IEP presents the least restrictive environment for this student. ☐Yes ☐No.
If no, explain:

Comments: ______________________________

Date of next IEP meeting ______________________________
(month/day/year)

Participants in IEP Team Meeting

Parent(s) ______________________________
Special Education Teacher ______________________________
Regular Classroom Teacher ______________________________
Administrative Representative ______________________________
Others: ______________________________

Parents have been given an opportunity to participate in the development of this IEP. Yes ☐ No ☐. If no explain:

Participation in state mandated group testing requested by parents Yes ☐ No ☐

STATE DEPARTMENT OF EDUCATION

SDE Form 10

REVIEW OF PLACEMENT/IEP

Date of Review ______
mo/da/yr

Child's Name ______ Date of Birth ______

Address ______
Street or P. O. Box ______ City ______ Zip ______

Telephone ______ Parent ______

I. Present Placement (service delivery type, related services):

______

______

II. Assessment of Current Status (progress in attainment of IEP objectives):

______

______

III. Placement options considered which do not appear appropriate (describe continuum or other alternatives reviewed and reason(s) why not appropriate):

______

______

IV. Recommendations:

______ Continue same type of service delivery

______ Increase amount of time in special education programming

______ Decrease amount of time in special education programming

______ Return to regular classroom full-time with IEP

______ The team from this LEA has reviewed previous records and the categorical eligibility from the former school and agrees that this newly enrolled student is eligible.

______ Exited from special education:

- ___Completion of a secondary program
- ___Determined not eligible (must also complete Categorical Eligibility Form)

______ Explore other alternative (describe)

______

Basis for making above recommendations(s): ______

______

V. Additional Comments: ______

______

Review of Placement/IEP Team

Special Education Teacher ______

Regular Classroom Teacher ______

Administrator or Designee ______

Parent(s) ______

Others ______

STATE DEPARTMENT OF EDUCATION

SDE Form 11

CONFIDENTIALITY PROCEDURES

In ____ (School)

____ (Name)

____ (Position)

will be responsible for all confidential records of students with disabilities.

These records will be kept in ______________________________ (Place) and will be secured in a locked area. All confidential records will be kept in a separate folder and not in the child's regular school cumulative folder.

The following persons who are responsible for educational services for students with disabilities, the parent/guardians, and eligible students over 18 years old, may have access to the records when they have a legitimate educational interest:

- Special Education Teacher
- Regular Teacher
- Administrators and Designated Administrative Personnel
- Counselors, including Vocational Rehabilitation
- State Department of Education Personnel
- Vocational-Technical Education Personnel
- Parents/Guardians/Surrogate Parents
- Student (if over 18 years old)
- Paraprofessionals/Teacher Assistants
- Registered Physical Therapists
- Physical Therapist Assistants
- Occupational Therapists
- Certified Occupational Therapist Assistants
- School Psychologists & Psychometrists
- Speech/Language Pathologists/Therapists
- School Nurses
- Social Workers
- Other Related Service Providers
- Student Teachers

Unauthorized persons must have written parental permission to access the confidential records. In each student's confidential folder of special education records, a form will be kept showing a record of who saw the records, on what date, and the purpose.

Parents have the following rights to access these special education records relating to their children:

- The right to inspect and review any special education records collected, maintained, or used by this agency.
- The right to timely response, within 45 days, to requests concerning education records.
- The right to have records explained and interpreted after reasonable request.
- The right to request copies of information in the records, if failure to receive these copies would effectively prevent the parent from inspecting and reviewing the records. Schools may charge a minimal fee for copies.
- The right to have the parents' representative inspect and review the records.
- The right to inspect and review records will be presumed, unless the authority has been altered by court order, State statute, or other legally binding documents relating to such matters as divorce, separation, or custody.

Parents also have the right to request that records be amended if records are believed to be inaccurate, misleading, or in violation of the Family Educational Rights & Privacy act (FERPA). Documentation of decisions and actions made in response to the parents' request will be in a timely manner and will be maintained in the student's records. If the school decides not to amend the information as requested, parents shall be informed of their right to a FERPA hearing (34 CFR 99.22).

All confidential records, except the information needed on transcripts, will be destroyed after five years and determination that the records are no longer needed. When the records are no longer needed, parent requests to destroy the records will be honored. Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the documents.

These confidentiality procedures will be posted around the school at strategic locations. Upon request, parents will be provided a copy of local policy for implementation of the Family Educational Rights & Privacy act (34 CFR Part 99) and requirements of 34 CFR 300.560-300.576.

____

Signature of Superintendent

STATE DEPARTMENT OF EDUCATION

SDE Form 12

AUTHORITY TO TRANSFER EDUCATION RECORDS

TO: ____________________________________

____

____

STUDENT'S NAME ____________________________________ DATE OF BIRTH ____________________

In accordance with the Family Educational Rights and Privacy regulations (34 CFR 99.31)

____________________________________ requests the transfer of all of the above student's
School District/Agency

education records. This would include but not be limited to health, grades, cumulative, and confidential records (PL 94-142, etc.).

The above mentioned student intends to enroll or is enrolled in our district. Therefore, please send records to:

____
School District/Agency

____
School/Agency Administrator or Representative

____
Address

____
City State Zip

Sincerely,

____
School/Agency Administrator or Representative

____
Date

____________________________________ assures that subsequent disclosure of the above records
District/Agency

will be in accordance with 34 CFR 99.31.

STATE DEPARTMENT OF EDUCATION

SDE Form 13

CONSENT TO RELEASE INFORMATION (THIRD PARTIES)

As the parent or legal guardian of ______________________________

(Name of Student) (Date of Birth)

______________________ ______________________

(School Site) (School District)

I give consent for the following information and records ______________________

____

____

____

to be made available to ______________________________

(Name/Agency)

____

for the purpose of ______________________________

____

______________________ ______________________

(Date) (Parent/Legal Guardian Signature)

Please send a copy of the information to the following address(es):

______________________ ______________________

(Name) (Name)

______________________ ______________________

(Street Address) (Street Address)

______________________ ______________________

City State Zip City State Zip

These confidential education records and information will be maintained in accordance with the Family Educational Rights and Privacy act (34 CFR Part 99).

STATE DEPARTMENT OF EDUCATION SDE Form 14

SURROGATE PARENTS
VERIFICATION OF TRAINING

________________________ has received training to act as a surrogate parent.

This training included:

Information regarding State and federal requirements for the education of handicapped children;

Parents rights;

Due process procedures and procedural safeguards;

Structures, procedures, and forms of the public agency educating the child;

The step-by-step process for delivery of special education services;

Information about the nature of child's disability and needs.

The surrogate parent has the responsibility of representing the handicapped child in all matters relating to:

The identification, evaluation, and educational placement of the child, and;

The provision of a free appropriate public education for the child.

Written information and training for skills and knowledge as a surrogate parent have been provided by:

Person Conducting the Training ________________________

Agency ________________ Telephone ________________

Address ________________________

Date of Training ________________ Location ________________

ASSIGNMENT

I understand the responsibilities of acting as a surrogate parent. I have no interests that conflict with the interests of the child and am not an employee of an agency involved with the care or education of the child.

Signature ________________ Date ________________

Address ________________________

Child's Name ________________ Child's Birthdate ________________

School District or Educational Agency ________________________

Contact Person for School/Agency ________________________

STATE DEPARTMENT OF EDUCATION

MEDICAL INFORMATION FORM

For Children with Health Related Problems

TO BE COMPLETED BY THE SCHOOL

Child ____________ Date of birth ________ Current age ________ Sex ________

Address ________________________________ Phone ________

School ________________________________ Phone ________

Address ________________________________ Phone ________

Referral date ________ Contact person ________________ Phone ________

Medical concerns about this child are as follows:

At school

At home

NOTE: Consent to Release Information (SDE Form 13), with parent signature, is required.

TO BE COMPLETED BY A LICENSED DOCTOR OF MEDICINE OR OSTEOPATHY

Information in the following areas would be helpful to the school and parents in planning for the child's educational needs. Please respond as appropriate.

General health

Motor functioning

Neurological findings

Allergies

Medical Information Form (continued) Child ______________________

Diet considerations

Vision

Hearing

Other

Medications, including purpose

Please indicate ways in which any of the above may adversely affect behavior.

Is further medical evaluation or treatment planned for any specific area? If so, specify.

In what ways may your medical findings affect the school's educational or behavioral planning?

In what ways can school personnel facilitate ongoing communication with you?

This information will be maintained in accordance with the Family Educational Rights & Privacy act (34 CFR Part 99).

Physician's name, address, and telephone number (*typed or stamped*)

____
Physician's Signature

____
Date

STATE DEPARTMENT OF EDUCATION

SDE Form 16
(1 of 2)

EYE REPORT
FOR CHILDREN WITH VISUAL PROBLEMS

Full legal name of child ______________________________
Last First Middle

Birthdate ____________ Sex ____ Home School ____________________ Grade ________

Legal Guardian ____________________ Address ____________________ Phone ____________

Suggested Eligibility Standards: Corrected visual acuity of 20/70 or less, or visual field no greater than 20 degrees in the better eye, or a visual impairment which, even with the best correction, adversely affects performance in a regular class.

		Right (O.D.)		Left (O.S.)
Vision Without Glasses	Distant	________	Distant	________
	Near	________	Near	________
Vision With Glasses (Visual Acuity)	Distant	________	Distant	________
	Near	________	Near	________

I. CAUSE OF BLINDNESS OR VISUAL IMPAIRMENT

A. Present ocular conditions responsible for vision impairment. (If more than one, specify all but underline the one which probably first caused severe vision impairment.)
O.D. ____________________
O.S. ____________________

B. Preceding ocular condition, if any which led to present condition, specified in A.
O.D. ____________________
O.S. ____________________

C. Etiology (underlying cause) of ocular condition primarily for vision impairment. (e.g., specific disease, injury, poisoning heredity or other prenatal influence.)
O.D. ____________________
O.S. ____________________

D. If etiology is injury or poisoning, indicate circumstances and kind of object or poison involved.

____

E. Probable age at onset of vision impairment. Right Eye (O.D.) ____ Left Eye (O.S.) ____

F. Is there impaired color perception? ______ If so, for what color(s)? ____________________

G. Does this child have a peripheral field of less than 20 degrees? ____ Yes ____ No

Does this child have restricted field? ____ Yes ____ No Degrees ____________________

H. What is your prognosis of this child's condition? ____________________

I. Is the condition stationary in your opinion? ____________________

(2 of 2)

II. RESTRICTIONS:

Close eye work ______________________ Physical Activity ______________________

Lighting Considerations ____

Need for low vision aid ____

III. PREFERRED VISUAL ACUITY NOTATIONS

A. DISTANT VISION: Use Snellen notation with test distance of 20 feet. (Example: 20/100, 20/60). For acuities less than 20/200 record distance at which 200 foot letter can be recognized as numerator of fraction and 200 as denominator. (Example: 10/200, 3/200). If the 200 foot letter is not recognized at one foot record abbreviation for best distant vision as follows:

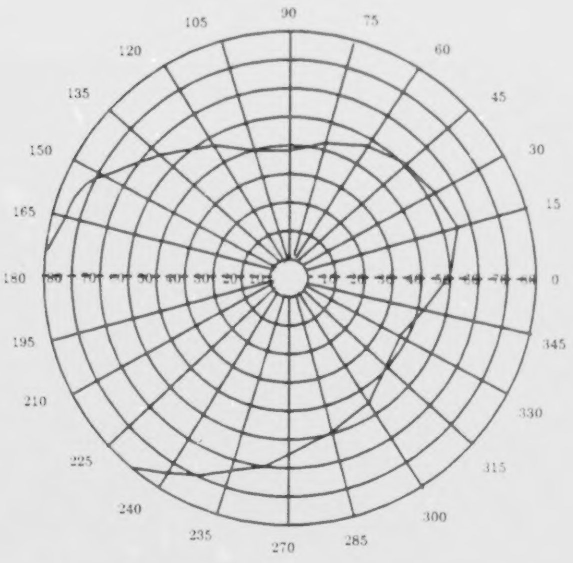
HM	HAND MOVEMENTS (Specify inches or feet)
PLL	PERCEIVES AND LOCALIZES LIGHT IN ONE OR MORE QUADRANTS
LP	PERCEIVES BUT DOES NOT LOCALIZE LIGHT
No LP	NO LIGHT PERCEPTION

B. NEAR VISION: Use standard A.M.A. notation and specify best distance at which pupil can read. (Example: 14/70 at 5 inches).

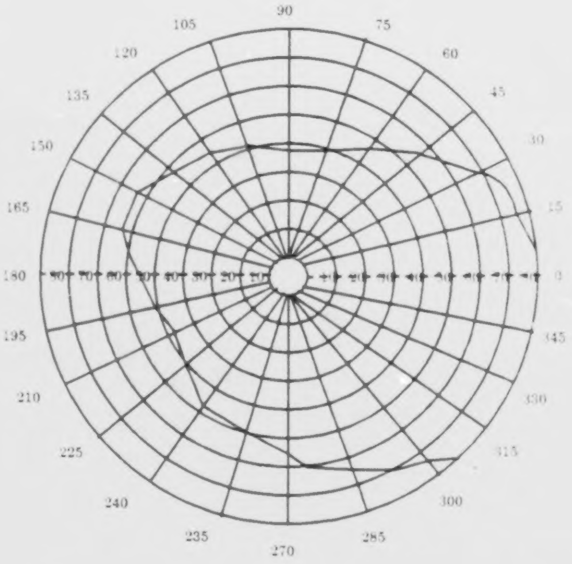
IV. FIELD OF VISION: Record results on chart below.

Type of test used: ______________________ Illumination in foot candles: ______________________

Left Eye (O.S.)



Right Eye (O.D.)



Test Object: Color(s) ________ Size(s) ________ Test Object: Color(s) ________ Size(s) ________

Distance(s): ______________________ Distance(s) ______________________

Other Comments: ____

____

Examiner: ______________________

Address: ______________________

Date: ______________________

STATE DEPARTMENT OF EDUCATION

SDE Form 17

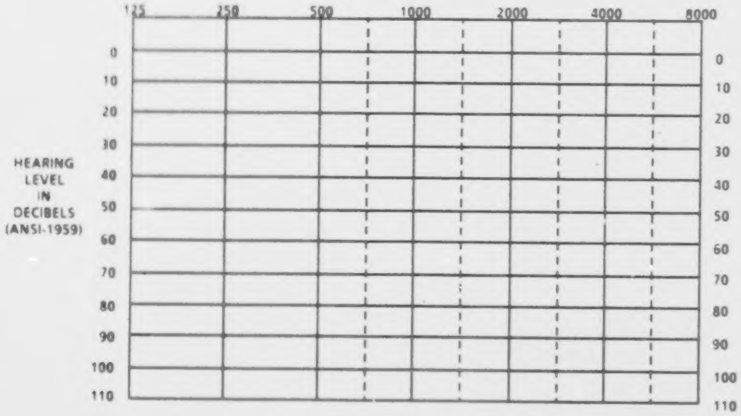
AUDIOGRAM
For Students with Hearing Problems

Name________________ Age________ Sex________ Data________

Audiologist________________ Audiometer________ Reliability________

AUDIOGRAM

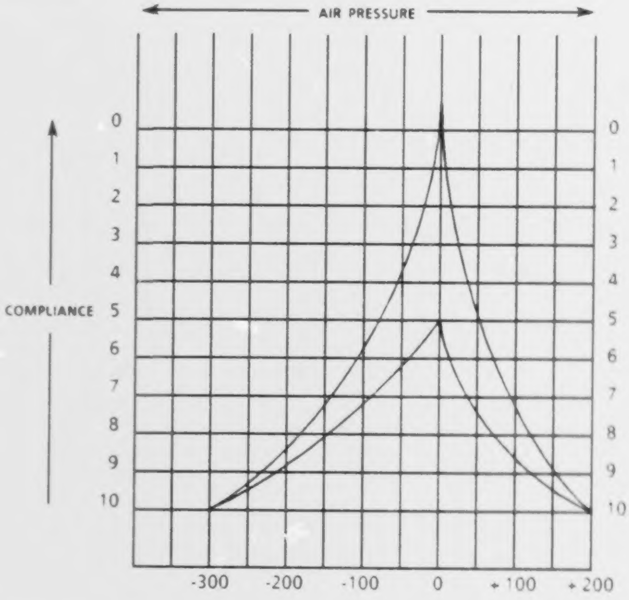
FREQUENCY IN HERTZ


125
250
500
1000
2000
4000
8000
HEARING LEVEL IN DECIBELS (ANSI-1959)
0
10
20
30
40
50
60
70
80
90
100
110

LEGEND

		Right		Left
Air	Unmasked	○		×
	Masked	△		□
	Sound Field		S	
	Sound Field (aided)		△	
	No Response	↓	↓	↓
Bone	Unmasked	<		>
	Masked	[		]

TYMPANOGRAM



HEARING LOSS SUMMARY

	PTA	SRT	DISCRIM	SL
Right Ear	____	____	____	____
Left Ear	____	____	____	____
Sound Field	____	____	____	____

ACOUSTIC REFLEX (HL)

		500	1000	2000	4000
Contralatoral Stimulation	RE				
	LE				
Ipsilatoral Stimulation	RE				
	LE				

COMMENTS:

XVII. SPECIAL SERVICES FORMS

SP. SERV. FORM NO. 1
(1 of 2)

School Year 19___-___

Date Approved ___________

By ___________

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR EDUCATION OF HOMEBOUND CHILDREN

(Within one week after beginning program, return one copy)

County ___________ Telephone ___________

School ___________ District # ___________

Address ___________
(Street/Box No.) (City) (Zip Code)

****

Pursuant to the requirements of the law providing for the education of homebound children, we submit herewith our application of conditional preapproval of the plan for special education as included herein.

STATE BOARD REGULATIONS

A handicapped student receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for at least one hour per day for three (3) days per week, the child shall be counted as having attended school five (5) days per week and his attendance shall be so entered in the school register.

School districts conducting approved home teaching programs must pay teachers of homebound children a minimum of nine dollars ($9) per hour for three (3) one hour home visits per week. Approved programs will be reimbursed at the end of each semester subject to available funds, not to exceed twenty-seven dollars ($27) per week per homebound child.

In addition to salary, reimbursement can be made at the maximum rate of 24 cents per mile for the necessary distance traveled by the homebound teacher, if the distance is two (2) or more miles per round trip. The distance is figured from the school the child would normally attend to the child's home.

Maximum state reimbursement for School-to-Home Telephone System is $300 per child per school year.

A physician's report for each child, certifying the need for the service is attached to this application.

The teacher working with the student must have a current valid Oklahoma teaching certificate.

The teacher must make a minimum of three (3) separate trips per week. Each trip must be of at least one hour duration.

We recognize that certification of this service for reimbursement of costs by the state depends upon: (1) our carrying out the plan of special education herein included; and (2) final approval by the State Department of Education, Special Education Section.

____
Superintendent, Principal, or District Director
of SpecialEducation

(2 of 2)

School ______________________ Dist No. __________ County ______________________

A LIST OF HOMEBOUND CHILDREN TO BE TAUGHT

	Name of Child	Sex	Birthdate	Age	Miles From Child's Home to School	Date Requested for Beginning Service	Name of Teacher
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							

Fill out when School-to-Home Telephone System is used: Minimum time period three (3) months

(a) Age of child ______________________

(b) Grade ______________________

(c) Number of phone jacks used ______________________

(d) Air miles from school ______________________

(e) Cost of installation $ ______________________

(f) Rental cost per month $ ______________________

SP. SERV. FORM NO. 2
(1 of 2)

School Year 19 ___ - ___

Date Approved ______________

By ______________

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR EDUCATION OF HOMEBOUND PREGNANT/IN-SCHOOL PROGRAM FOR PREGNANT GIRLS

(Within one week after beginning program, return one copy)

County ______________ Telephone ______________

School ______________ District # ______________

Address ______________
(Street/Box No.) (City) (Zip Code)

****

Pursuant to the requirements of the law providing for the education of homebound children, we submit herewith our application of conditional preapproval of the plan for special education as included herein.

STATE BOARD REGULATIONS

A handicapped student receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for at least one hour per day for three (3) days per week, the child shall be counted as having attended school five (5) days per week and his attendance shall be so entered in the school register.

School districts conducting approved home teaching programs must pay teachers of homebound children a minimum of nine dollars ($9) per hour for three (3) one hour home visits per week. Approved programs will be reimbursed at the end of each semester subject to available funds, not to exceed twenty-seven dollars ($27) per week per homebound child.

In addition to salary, reimbursement can be made at the maximum rate of 24 cents per mile for the necessary distance traveled by the homebound teacher, if the distance is two (2) or more miles per round trip. The distance is figured from the school the child would normally attend to the child's home.

Maximum state reimbursement for School-to-Home Telephone System is $300 per child per school year.

A physician's report for each child, certifying the need for the service is attached to this application.

The teacher working with the student must have a current valid Oklahoma teaching certificate.

The teacher must make a minimum of three (3) separate trips per week. Each trip must be of at least one hour duration.

We recognize that certification of this service for reimbursement of costs by the state depends upon: (1) our carrying out the plan of special education herein included; and (2) final approval by the State Department of Education, Special Education Section.

____
Superintendent, Principal, or District Director
of Special Education

211

School ______________________ Dist No. ________ County ______________________

A LIST OF PREGNANT GIRLS TO BE TAUGHT HOMEBOUND/IN-SCHOOL PROGRAM

	Name of Child	Sex	Birthdate	Age	Miles From Child's Home to School	Date Requested for Beginning Service	Name of Teacher
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							

Fill out when School-to-Home Telephone System is used: Minimum time period three (3) months

(a) Age of child ______________________

(b) Grade ______________________

(c) Number of phone jacks used ______________________

(d) Air miles from school ______________________

(e) Cost of installation $______________________

(f) Rental cost per month $______________________

SP. SERV. FORM NO. 3
(1 of 2)

School Year 19___-___

Date Approved ____________

By ____________

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR OUT-OF-DISTRICT TRANSPORTATION FOR HANDICAPPED CHILDREN TO RECEIVE SPECIAL EDUCATION

County ____________

Telephone ____________

School ____________

District # ____________

Address ____________
(Street/Box No.) (City) (Zip Code)

****

Complete in Duplicate
(Keep one copy)

Pursuant to the requirements of the law providing for transportation of handicapped children out-of-district, we submit herewith our application for conditional preapproval of plan for out-of-district transportation for handicapped children to receive special education.

Date requested for beginning special service:

____
(Month) (Day) (Year)

We recognize that certification of this service or reimbursement of costs by the state depends upon: (1) our carrying out the plan of special education herein included; (2) final approval based on receipt of notarized application for aid indicating the costs have been paid.

____
Superintendent, Principal, or District Director of Special Education

(2 of 2)

OUT-OF-DISTRICT TRANSPORTATION
HANDICAPPED CHILDREN

School ____________________ City ____________________ Dist. No. __________

Pupil's Name	Home Dist. No.	Age/ Grade	No. Miles from Child's Home to School *	Public/ Private	Comments

* Show mileage for one round trip per day.

SP. SERV. FORM NO. 4
(1 of 2)

School Year 19 ____ - ____

Date Approved ____________________

By ______________________________

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR HELPING PHYSICALLY HANDICAPPED CHILDREN ATTEND THE CLASSROOM

County ______________________________ Telephone ____________________

School ______________________________ District # ____________________

Address ____
(Street/Box No.) (City) (Zip Code)

****

Pursuant to the law providing for assistance to help a physically handicapped child attend the classroom, we submit herewith our application for conditional preapproval of the plan of service as included herein.

1. Date of beginning special service ________________________, 19 _____
2. A physician's report for each child is attached to this application.
3. All costs of this program MUST be paid before application for reimbursement is made.

We recognize that certification of this service for reimbursement of costs by the state depends upon our carrying out the plan of special education herein included and final approval based upon receipt of notarized application for aid indicating the costs have been paid.

____
Superintendent, Principal, or District Director
of Special Education

(2 of 2)

TYPE OF SERVICE TO BE GIVEN

1. Personal help:

a. ______________________________
(Specify reader, aide, etc.)

____
(Name and address of person rendering service)

(1) Number of children ______________ Type of handicap ______________

(2) Number of hours worked per week ______________

(3) Rate of pay per hour ______________ Total per week ______________

b. Type of assistance given to child (i.e., moving about school building, on or off bus, in classroom, etc.)

(1) Describe service given: ______________________________

(2) Cost per day for service: ______________

Maximum state reimbursement is $225 per semester per child.

Pupil's Name	Age	Grade

216

SP. SERV. FORM NO. 5
(1 of 2)

School Year 19 ____ - ____

Date Approved ____________________

By ______________________________

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR HELPING DEAF-BLIND CHILDREN ATTEND THE CLASSROOM

(Within one week after beginning the program, return one copy)

County ______________________________ Telephone ____________________

School ______________________________ District # ____________________

Address ____
(Street/Box No.) (City) (Zip Code)

****

Pursuant to the law providing for assistance to help a deaf-blind child attend the classroom, we submit herewith our application for conditional preapproval of the plan of service as included herein.

1. Date of beginning special service ______________________, 19 _____
2. A physician's report for each child is attached to this application.
3. All costs of this program MUST be paid before application for reimbursement is made.

We recognize that certification of this service for reimbursement of costs by the state depends upon our carrying out the plan of special education herein included and final approval based upon receipt of notarized application for aid indicating the costs have been paid.

____
Superintendent, Principal, or District Director
of Special Education

217

(2 of 2)

TYPE OF SERVICE TO BE GIVEN

1. Personal help:

a. ______________________________
(Specify reader, aide, etc.)

____
(Name and address of person rendering service)

(1) Number of children ____________ Type of handicap ____________
(Deaf-Blind)

(2) Number of hours worked per week ____________

(3) Rate of pay per hour ____________ Total per week ____________

b. Type of assistance given to child (i.e., moving about school building, on or off bus, in classroom, providing transportation, etc.)

(1) Describe service given: ______________________________

(2) Cost per day for service: ____________

Maximum state reimbursement is $2,500 per semester per child.

Pupil's Name	Age	Grade

218

SP. SERV. FORM NO. 6

School Year 19___ - ___

Date Approved ______________
By ______________________

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL OF PLAN FOR TRAVEL OF SPECIAL EDUCATION TEACHER IN A COUNTY OR COOPERATIVE DISTRICTS

County ______________________ Telephone ______________

School ______________________ District # ______________

Address ____
(Street/Box No.) (City) (Zip Code)

****

COMPLETE IN DUPLICATE
(Keep one Copy)

I, the County Superintendent of ____________________ County, hereby certify that said county qualifies for and maintains travel service for special education teacher in order that two or more school districts may participate in the special education service as provided for in Article XIII, Oklahoma School Code, and hereby make application for preapproval for teacher travel.

____
Name of Teacher Home Address

____
City Zip Code

All costs of this program MUST be paid before application for reimbursement is made.

We recognize that certification of this service for reimbursement of costs by the state depends upon our carrying out the plan of special education herein included and final approval based on receipt of notarized application for aid indicating the costs have been paid.

____
Superintendent, Principal, or District Director
of Special Education

219

SP. SERV. FORM NO. 7
(1 of 2)

School Year 19 ____ - ____

Date Approved ________________

By ________________

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

APPLICATION FOR CONDITIONAL PREAPPROVAL FOR FULL-TIME PHYSICAL OR OCCUPATIONAL THERAPIST / LICENSED PHYSICAL THERAPIST ASSISTANTS (PTA) / CERTIFIED OCCUPATIONAL THERAPIST ASSISTANTS (COTA)

County ________________ Telephone ________________

School ________________ District # ________________

Address ____
(Street/Box No.) (City) (Zip Code)

****

Reimbursement in the amount of $1,250 for first semester and $1,250 for second semester ($2,500 per school year) will be made for a full-time physical therapist, occupational therapist, PTA, or COTA employed exclusively by applicant for the specified school year. (No reimbursement will be made on a part-time or contracted basis.)

****

Application is hereby made for reimbursement in the amount of $2,500 for school year 19 ____ - ____ (to be made in the amount of $1,250 for first semester and $1,250 for second semester) for a full-time physical therapist, occupational therapist, PTA, or COTA.

____
Name of Therapist Home Address

____
City Zip Code

Check one: P.T. ________ O.T. ________

P.T.A. ________ C.O.T.A. ________ License/Certificate No. ______

PLEASE COMPLETE REVERSE SIDE

220

Pursuant to the laws providing for assistance to handicapped children, we submit herewith our application for conditional preapproval of the employment of a full-time physicial or occupational therapist, PTA, or COTA.

All costs of this program MUST be paid before application for reimbursement is made.

We recognize that certification of this service for reimbursement of costs by the state depends upon our carrying out the plan of special education herein included and final approval based on receipt of notarized application for aid indicating that the costs have been paid.

____

Superintendent, Principal, or District Director
of Special Education

SP. SERV. FORM NO. 8

OKLAHOMA STATE DEPARTMENT OF EDUCATION

Special Education Section

PHYSICIAN'S REPORT

(Return one copy)

Name ______________________________ Date ______________

Age ____________ Grade ______________ Telephone ____________

Address ____
(Street) (City) (Zip Code)

City in which child is attending school ______________________

Parent's Name ____

Diagnosis: ____
(Please Print or Type)

Note: If diagnosis is pregnancy, give estimated date of confinement.

____

Give approximate length of time that the child will be physically unable to attend school in the regular or special classroom. ______________________________

Is the child physically able to have homebound instruction for a 60-minute period? __________

If not, how long? ____

Comments:

____

____

____

Signed: ______________________ M.D.

Address: ______________________

____

Phone: ______________________

Date: ______________________

XV. SELECTED OKLAHOMA STATE LAWS
FOR
SPECIAL EDUCATION

1989 SCHOOL LAWS OF OKLAHOMA

ARTICLE XIII

SPECIAL EDUCATION FOR EXCEPTIONAL CHILDREN

Section 213. Programs for Special Education--Exceptional Children Defined.

The several school districts of Oklahoma are hereby authorized to provide special services necessary for exceptional children as hereinafter defined. Two or more school districts may establish cooperative programs of special education for exceptional children when such arrangement is approved by the State Board of Education. The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purposes. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program. Funds may be expended for school services for an additional period not to exceed forty (40) days during the summer months for approved programs for qualified children, who are severely or profoundly multiple-handicapped, provided their individualized education program (IEP) states the need for a continuing education experience to prevent loss of educational achievement or basic life skills. Prior to July 1, 1990, exceptional children shall mean educable mentally handicapped children, trainable mentally retarded children, speech-defective children, emotionally disturbed or perceptually handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped children and other handicapped children of four (4) years of age as of the first day of September of the school year, and on and after July 1, 1990 of three (3) years of age; provided up to July 1, 1991, that there shall be no set minimum age for children who are blind partially blind children, deaf and hard-of-hearing children and low incidence severely multiple-handicapped children, i.e., deaf-blind, retarded-cerebral palsied, autistic and other children failing to thrive.

Provided, on and after July 1, 1991, children from age birth through two (2) years (0-36 months) of age who meet the eligibility criteria specified in Section 3 of the Oklahoma Early Interventon Act, shall be served pursuant to the provisions of the Oklahoma Early Intervention Act; further provided that any children served shall be bona fide residents of this state, whose conditions are such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program. Provided, that the attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes.

It shall be the duty of each school district to provide special education for all exceptional children as herein defined who reside in that school district. This duty may be satisfied by:

1. The district directly providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind or partially blind; or

4. Transferring certified exceptional children to the other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition therefore as hereinafter provided. (70-13-101)

See Section 224 herein as to Special Education programs for partially sighted children.

> School district has obligation to provide special education for exceptional and handicapped children, which may be fulfilled by any of several authorized methods, including transfers to other districts. September 29, 1972
>
> Local School District and not State Department of Education have primary responsibility for providing special education programs. May 27, 1977 (AG Op. No. 77-169)
>
> No minimum age requirement for participation in special education program for children classified as "other children failing to thrive from birth." May 27, 1977. AG Op. No. 77-169
>
> Parents of child under age of 3 years who has been identified as eligible for receiving instruction and services pursuant to Individualized Education Program have right to a "Due Process Hearing" for any of the reasons any other handicapped child may request a hearing. February 24, 1982. (AG Op. No. 82-61)

Section 214. Eligible Minimum Period of Attendance.

The determination whether a child is eligible for special education shall be made by the board of education of the school district in which such child resides, under rules and regulations approved by the State Board of Education; provided; however, that the eligibility of exceptional children shall be reevaluated at least once every three (3) years. Any child determined to be eligible shall be permitted to receive such special education for a minimum period of twelve (12) years.

In those instances involving the proposed transfer of exceptional children from one district to another, the State Board of Education is authorized to promulgate rules and regulations for the reimbursement to the local board of education for payment of charges for the services of psychologists and physicians necessary for ascertaining eligibility of pupils for special education and, as to those accepted for special education instruction, for reimbursement to the local board of education for expenditures made for any subsequent reevaluation deemed desirable by the board of education of the district providing special education instruction of the pupil. (70-13-102)

> A child is entitled to continue special education at junior high school and high school level if he is capable. September 29, 1972
>
> Home district must bear cost of determining eligibility for special education. September 29, 1972
>
> Not mandatory to provide classes for trainable mentally retarded children until they reach 21 years of age, but only that classes be provided for a minimum of 12 years. January 9, 1976

Section 215. Authorized Provisions for Education of Exceptional Children.

Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for exceptional children, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When school district does not provide special education facilities and qualified teachers, said children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe to a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When an exceptional child or pregnant child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the State Board of Education, may provide for home instruction for such child. The State Board of Education is further authorized to cooperate with any school district of the state to make it possible for an exceptional child to attend the regular school by making special provisions for the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building. (70-13-103)

> School District has an obligation to provide special education for exceptional handicapped children which may be fulfilled by any of several authorized methods, including transfers to other districts. September 29, 1972
>
> Sending district must reimburse receiving district for transferred student's share of receiving district's cost in conducting special education. September 29, 1972
>
> Provisions of this Section as to transfers of exceptional children superseded general school transfer statutes. January 13, 1984 (AG Op. No. 83-79)

Section 216. Special Classes of Individual Instruction for Children in Institutions.

Special classes or individual instruction provided for pretubercular, tubercular, convalescent or other physically handicapped children in hospitals, sanatoriums and preventoriums may be maintained by a school district in such institutions within or without the boundaries of such district, and the attendance of pupils therein shall be credited to the district providing such instruction. (70-13-104)

Section 217. Qualifications of Teachers and Minimum Requirements.

The State Board of Education is hereby authorized to determine and prescribe the qualifications of all persons who teach exceptional children, to define, classify and determine standards of eligibility of all exceptional children to receive special education, to fix minimum requirements for special education of exceptional children, and to make such rules and regulations as it deems necessary for the teaching of exceptional children. (70-13-105)

Section 218. State Appropriations--Distribution.

State monies appropriated to carry out the provisions of laws dealing with the education of exceptional children shall be apportioned by the State Board of Education among the various school districts of the state providing such educational facilities for exceptional children in accordance with the standards and rules and regulations prescribed by the State Board of Education. State funds for the education of such exceptional children shall be distributed on a teaching unit basis in accordance with rules and regulations to be adopted for such purpose by the State Board of Education. The State Board of Education shall determine the size of classes and other requirements for all such teaching units. (70-13-106)

Section 219. Federal Funds.

The State Board of Education is hereby empowered to accept and disburse any grants or funds that may be matched by or received from the federal government for the education of exceptional children and to make necessary rules and regulations for such purpose. (70-13-107)

Section 220. State Funds--Allowances for Special Education.

A. The State Board of Education is hereby authorized to establish all necessary rules and regulations and set the rate of reimbursement for physical and occupational therapists, teachers of homebound children or home-to-school telephone instruction, board and room for transferred handicapped children to attend a special class, travel for transporting handicapped and exceptional children within or without the district, and travel for teachers who are required to travel in fulfilling the services for handicapped children in homebound, cooperative, or county programs for exceptional children.

B. The State Board of Education may make provisions for boarding exceptional children who must be transferred from their home school districts to school districts providing special education, but in no case shall the reimbursement from other state funds for this purpose exceed Four Hundred Fifty Dollars (450.00) per child per year.

C. The State Board of Education may make provisions and payments therefor from other state funds for the special education of any deaf and blind child, resident of the state, in any private or public institution, either inside or outside the State of Oklahoma, but in no case shall payment from state funds for such special education, including board and room for such child, exceed Five Thousand Dollars ($5,000.00) per child per year.

D. None of the funds received by a school district under the provisions of this section shall be construed as a part of the chargeable income of such district for State Aid purposes.

> Handicapped children other than deaf and blind students may be placed outside of the State if necessary to comply with Federal Education For All Handicapped Children's Act. March 18, 1983 (AG Op. No. 83-5)

E. None of the funds referred to in this section shall be allowed or paid to a school district for any of the following:

1. For any teaching unit or class organized with less than eight (8) educable mentally-handicapped children.
2. For any teaching unit or class organized for speech-defective children with a number less than that specified by the State Board of Education.
3. For any teaching unit or class consisting of children who are both deaf and blind, except as specified in subsection C this section.
4. For any teaching unit or class organized with less than five (5) other exceptional children. (70-13-108)

Section 221. Personnel to Administer Article.

The State Board of Education shall appoint and employ and fix the compensation and duties of necessary personnel and incur other necessary expenses, including cost of consultants, to administer and carry out the provisions of this article, and such compensation and other expenses shall be paid from any funds appropriated to carry out the provisions of this article. (70-13-109)

Section 222. Teachers--Pay.

Qualified and properly certified teachers of special education shall be paid a minimum of five percent (5%) above the prevailing wage paid teachers of normal children in the same school district. (70-13-110)

Section 223. Register of Children--Needs to be Met.

A. The State Board of Education shall:

1. Maintain a register of educable mentally-handicapped children, trainable mentally-retarded children, speech-defective children, emotionally-disturbed children, perceptually-handicapped children and other handicapped children, and to use all means and measures necessary to meet the physical needs of all such educable and trainable children, as provided for by law; and
2. Stimulate all private and public efforts to relieve, care for, cure, educate or train handicapped children, and to coordinate said efforts with the work and function of governmental agencies. (70-13-111)

B. 1. The Department of Mental Health, the State Department of Health, the Department of Human Services, the State Department of Education, and the State Department of Vocational and Technical Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act a plan for the coordinated delivery of related services to exceptional children with nominal cost to the school district. The development of the plan for the delivery of related services shall be coordinated by the State Department of Education, which shall evaluate and review the implementation of the plan and include its findings in an annual report to the Legislature.

2. Implementation of said plan shall begin with the 1983-84 school year, and shall utilize the resources available to each of the agencies specified in this subsection as appropriate to each agency for the delivery of related services.

3. As used in this subsection, "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist an exceptional child, as defined in Section 13-101 of this title, to benefit from special education, and includes but is not limited to speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of exceptional children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes health services, social work services, and parent counseling and training services available to the citizens of this state. (70-13-111)

Section 224. Special Education Programs for Partially-Sighted Children.

The State Board of Education is authorized to select school districts in which to establish a special education program for partially-sighted children from the first grade through the ninth grade. The selection of the school districts, the establishment of the special education program and the determination of eligible children shall be in accordance with the provisions in Title 70 of the Oklahoma Statutes 1971, Article 13, and with the rules and regulations to be adopted for such purpose by the State Board of Education. (70-13-112)

Section 225. Apportionment and Distribution of Funds.

State monies appropriated to carry out the provisions of this act shall be apportioned by the State Board of Education among the school districts providing a special education program for partially-sighted children. The apportionment and distribution of state funds shall be on a per student basis and in accordance with the rules and regulations to be adopted for such purpose by the State Board of Education. (70-13-113)

Section 225.1. Oklahoma Early Intervention Act.

Sections 1 through 9 of this act shall be know and may be cited as the "Oklahoma Early Intervention Act". (70-13-121)

Section 225.2. Purpose.

A. It is the purpose of the Oklahoma Early Intervention Act to establish the policy of this state to provide for early intervention services to handicapped infants and toddlers and their families in accordance with federal law P.L. 99-457. These services are deemed to be necessary in order to:

1. enhance the development of handicapped infants and toddlers;

2. reduce the educational costs to our society by minimizing the need for special education after such children reach school age;

3. minimize the likelihood of institutionalization of handicapped individuals and maximize their potential for independent living in society; and

4. enhance the capacity of families to meet the needs of their infants and toddlers with handicaps.

B. The implementation of this policy requires the development of a system of services to handicapped infants, toddlers and their families which is:

1. comprehensive, coordinated, multi-disciplinary and interagency;

2. delivered by the State Department of Education, Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and other publicly funded services for handicapped infants and toddlers subject to the provisions of the Oklahoma Early Intervention Act; and

3. intended to fulfill the requirements of Part H of the federal Education of the Handicapped Act by providing early intervention services. (70-13-122)

Section 225.3. Eligibility Requirements.

The children eligible for early intervention services in the State of Oklahoma shall be infants and toddlers age birth through two years (0-36 months) who are developmentally delayed. As used in this act "developmentally delayed" means children of the chronological age group specified in this section who:

1. exhibit a delay in their developmental age compared to their chronological age of fifty percent (50%) in one, or twenty-five percent (25%) in two or more of the following areas: Cognitive, physical, language and speech, psychosocial development or self-help skills; or

2. have a diagnosed physical or mental condition that has a high probability of resulting in delay. This includes, but is not limited to: Chromosomal disorders, neurological abnormalities, inborn errors of metabolism, genetic disorders, congenital malformation of the brain, congenital infections and sensory abnormalities and impairments or identified syndromes. (70-13-123)

Section 225.4. Administration, Supervision, and Monitoring of Programs and Activities.

A. The State Department of Education is hereby designated as the lead agency for general administration, supervision and monitoring of programs and activities receiving federal funds under Part H of P.L. 99-457 and state funds appropriated for early intervention services.

B. In accordance with Part H of P.L. 99-457 the Oklahoma Commission on Children and Youth shall administer the Interagency Coordinating Council for Early Childhood Intervention which shall advise and assist the lead agency in fulfillment of its responsibilities.

C. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and other publicly funded services shall continue to provide all services within their respective statutory and constitutional responsibilities to the eligible population except as otherwise provided in Section 13-101 of Title 70 of the Oklahoma Statutes. State and local interagency agreements will delineate responsibility for local and regional procedural safeguards, provision of service and related issues. Funds provided for implementation of the Oklahoma Early Intervention Act shall not be used to satisfy a financial commitment for services which would have been paid for or provided by another public or private source, but shall be utilized solely for the enactment of P.L. 99-457 and the Oklahoma Early Intervention Act. Such funds may be used whenever considered necessary to prevent delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion. Funds provided for implementation of the Oklahoma Early Intervention Act may be used to pay the provider of services pending reimbursement from the agency which has the ultimate responsibility.

D. Pursuant to the requirements of Part H of P.L. 99-457, all financial resources from federal, state, local and private sources shall be coordinated to fund early intervention services. In order to determine the most effective utilization and achieve coordination, a joint funding plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the Senate President Pro Tempore by the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health on or before October 1, 1989 and on or before September 1 each year hereafter. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes. Such plan shall include, but not be limited to:

1. utilization of State Aid funds to public schools provided pursuant to Sections 18-109.1 through 18.109.5 of Title 70 of the Oklahoma Statutes for special education services to handicapped children;
2. publicly funded personnel and programs in the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health who are currently serving the eligible population;
3. feasibility of utilization of federal Title V funds;
4. utilization of new state funds as may be appropriated by the Legislature for fiscal year 1990 for the purpose of early intervention, and of additional new funds needed to fully implement early intervention services in accordance with the State of Oklahoma's implementation of P.L. 99-457;
5. amendments to expansion of the Medicaid State Plan to include early intervention services for eligible children utilizing state funds designated for early intervention for the purpose of matching federal funds;
6. feasibility of application for federal funds appropriated pursuant to P.L. 89-313; and
7. utilization of funds received under Part H of P.L. 99-457. (70-13-124)

Section 225.5. Contract for Services.

A contract shall be entered into between the State Department of Education and the Oklahoma State Department of Health specifying the provision or arrangement of early intervention services by the Oklahoma State Department of Health. Such contract shall include, but not be limited to:

1. a delineation of individual and shared responsibilities for planning, administration and funding, multidisciplinary evaluations, development of an individual family service plan, service delivery, procedural safeguards and liability of both agencies;
2. specification of the numbers and types of personnel to be provided under the contract; and
3. provisions to be made by the Oklahoma State Department of Health for provision of services not available at a local level and authorization to subcontract with other public or private service providers. (70-13-125)

Section 225.6. Procedural Safeguards.

Procedural safeguards shall be established in fulfillment of the requirements of Section 680 of Part H of P.L. 99-457 through interagency agreements involving the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and other publicly funded services as appropriate. (70-13-126)

Section 225.7. Requirements for Payment and Reimbursement.

The legal requirements for timely payment and reimbursement for services under contract pursuant to Sections 41.4a through 41.4d of Title 62 of the Oklahoma Statutes shall govern the services, programs and activities for the State of Oklahoma's implementation of P.L. 99-457. (70-13-127)

Section 225.8. Data Collection and Reporting Requirements.

The data collection requirements concerning handicapped children which are currently utilized by the State Department of Education upon the effective date of this act shall also be utilized to meet the data collection and reporting requirements for the State of Oklahoma under Part H of P.L. 99-457. Further, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health shall fulfill the data collection and reporting requirements established by the United States Department of Education pursuant to Part H of P.L. 99-457 for early intervention services provided by their respective agencies pursuant to the purposes of the Oklahoma Early Intervention Act. The lead agency shall provide technical assistance to the agencies in this endeavor. (70-13-128)

Section 225.9. Implementation.

A. The Interagency Coordinating Council for Early Childhood Intervention shall assist the State Department of Education in revising the Oklahoma State Plan for Special Education to include areas addressing requirements under Part H of P.L. 99-457 necessary for full implementation of this act. Such revision shall be completed by April 1, 1990.

B. Contingent upon the enactment of legislation authorizing implementation of an annual budget submitted which is based upon a joint funding plan provided in Section 4, subsection D of the Oklahoma Early Intervention Act, services in compliance with this act and Part H of P.L. 99-457 shall be in effect no later than July 1, 1990. Subject to such contingency all children eligible for services pursuant to the provisions of Section 3 of this act shall be served beginning July 1, 1991. (70-13-129)

OTHER SECTIONS OF THE LAW
RELATING TO HANDICAPPED CHILDREN

ARTICLE V
SCHOOL DISTRICTS AND BOARDS OF EDUCATION

Section 84. Students of Legal Age--Completion of Twelfth Grade.

A. Any person who is of legal age and a resident of Oklahoma, over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one (21), upon submitting to the board of education of the school district in which said person resides evidence satisfactory to that board showing that during the time before he was twenty-one (21) years of age he was unable to attend school for a definite period or periods of time because of physical disability, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, said pupil shall be counted in the average daily attendance of the district where he attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district.

B. Any resident of the state who is nineteen (19) years of age or older, who is not enrolled in any high school program, and who has not completed the twelfth grade may attend any adult high school completion program which is established by a school district and approved by the State Board of Education if such attendance has the approval of the district offering the program. Such attendance shall not be counted in the average daily attendance of the district unless the Legislature appropriates monies for adult high school completion programs. Such attendance shall not be counted to meet minimum numbers for accreditation of the school district involved, and such students shall not attend classes which are a part of the normal class structure of the district. (70-5-132)

> Attendance of person before he is 26 years old can be counted in daily attendance only for same number of school days he missed school because of physical disability or military service. August 3, 1962.

ARTICLE VIII
TRANSFER OF PUPILS

Section 161. Grounds for Transfer.

A. The county superintendent of schools shall grant an application for transfer of a child from the district in which he resides to another school district furnishing instruction in the grade he is entitled to pursue if such transfer has the approval of the boards of education of the sending and receiving districts. A student granted a transfer during the 1972-73 school year, or any school year thereafter, may continue to attend the school to which he transferred with approval of the receiving district only, and any brother or sister of such student may attend such school with approval of the receiving district only, provided that this provision shall not apply to emergency transfers or pupils transferred for the purpose of attending classes in special education or a graduating senior in counties having a population of four hundred fifty thousand (450,000) or above, previously legally enrolled in the school district to which he wishes to transfer, or to students with catastrophic medical problems. Provided; however, if the grade such child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved. Provided, a child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides and the board of education of the high school district in whose transportation area the child resides determines that the best interests of the child will be best served by such transfer. No transfer shall be granted for any reason not hereinbefore specified. No child shall be transferred under the provisions of this article to a school district other than the one designated in the application for his transfer.

B. When a child. . . (70-8-102)

Long continued acquiescence in pupil transfers can preclude District from denying legality of transfers. 553 P.2.d 150

District not required to approve student's transfer merely because transfer of student's brother was approved. 554 P.2d 12

District's refusal to approve pupil's application for transfer to out-of-state school district solely on policy of denying any out-of-state transfer is contrary to law. 380 P.2d 943

"Best interest of child" is not proper ground for transfer. 531 P.2d 335

Fact district does not offer classes in music and band does not authorize transfer on ground district does not offer grade child is entitled to pursue. 513 P.2.d 287

District Court cannot approve transfer on nonstatutory ground. 531 P.2d 335

ARTICLE XVIII
STATE AID

Section 308. Definitions.

A. As used in Sections 18-109.3 and 18-109.4 of this act:

1. "Vision impaired" means a visual impairment which, even with correction, adversely affects a child's educational performance;

2. "Children with learning disabilities" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, written or spoken, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

3. "Hearing impaired" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance;

4. "Economically disadvantaged" means all children who qualify for free or reduced lunches. Provided, for the school year 1981-82, economically disadvantaged shall mean children who qualify and participate in a program for free or reduced lunches;

5. "Educable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

6. "Emotionally disturbed" means emotional problems preventing adjustment in regular class including:

a. an inability to learn which cannot be explained by intellectual, sensory or health factors,

b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,

c. inappropriate types of behavior or feelings under normal circumstances,

d. a general pervasive mood of unhappiness or depression, or

e. a tendency to develop physical symptoms or fears associated with personal or school problems;

The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed;

7. "Gifted" means identified students as outlined in Section 1210.301 of Title 70 of the Oklahoma Statutes;

8. "Multiple handicapped" means concomitant impairments, such as mentally retarded/blind, mentally retarded/orthopedically impaired, and other combinations, the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blind children;

9. "Physically handicapped" means a severe orthopedic impairment or an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly, and impairments from other causes;

10. "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment, which adversely affects a child's educational performance;

11. "Trainable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

12. "Deaf/Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children;

13. "Bilingual" means those students who have limited English speaking abilities or who come from homes where English is not the dominant language as reported on the prior year application for accrediting; and

14. "Special Education Summer Program" means those summer school programs which school districts may provide for children who are severely or profoundly multiple-handicapped if their individualized education program states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Any school district receiving funds for such special education summer programs shall provide services as provided in Section 13-101 of this title. Provided, during the 1982-83 school year the State Department of Education shall obtain data related to the number of children who would qualify for summer school special education programs and the number of children who are being served in summer school special education programs.

B. The State Board of Education is hereby authorized to modify and redefine by regulation the definitions set out in this section whenever such modification is required to receive federal assistance therefor. (70-189-109.5)

Section 309. Adjustments and Limitations.

A. If any district, or part of a district, becomes a part of another district by consolidation, annexation, or otherwise, the following procedures shall be followed, except as otherwise provided by law, in calculating aid to the new district or districts so formed:

1. If the action occurs after budgets have been approved by the county excise board and the tax levies approved, the State Aid for the current year shall be calculated for each district as it existed prior to the annexation and prorated to the annexing district or districts on the basis of average daily attendance.

2. If the action occurs prior to approval of the school district budgets by the county excise board, the annexed district shall be merged with the annexing district or districts and State Aid shall be calculated according to the formula provided by this title.

B. Any school district that does not maintain school for a full term shall have its State Aid reduced proportionately unless it has received written approval to maintain school for less than a full term from the State Board of Education. The State Board of Education shall not approve any request to maintain school for less than a full term unless such request meets the requirements of Section 1-109 of this title.

C. 1. If a school district operates a school located in a state institution for pupils of school age, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district.

2. If a school district operates a school located in a state institution for the pupils of school age residing in such institution, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district. Provided, such attendance shall not be used for apportioning other miscellaneous revenue; and such school district State Aid shall be paid in the amount of the Foundation Program Aid and Incentive Aid of such school as provided in this title.

D. If a public school district in this state furnishes educational services to a child who resides in a public or private residential child care or treatment facility, the providing school district shall receive from the district in which the child has residence a fee in the amount of the per capita cost of the receiving district for current expenditures for the education of such resident. The amount of the expenditures shall be determined based upon the cost of teachers, equipment, material, and other direct educational costs associated with the education of such child prorated by the number of days the child has been enrolled in the providing district.

Immediately upon beginning to provide such services, the providing district shall send to the district of residence as defined in paragraph 6 of subsection A of Section 1-113 of this title, and to the Finance Division of the State Department of Education, an enrollment form which shall include an estimate of the number of school days such services are to be provided to said child and an itemized estimate of the cost per day of providing said services. The district of residence shall acknowledge receipt of the enrollment form within ten (10) days, notifying both the providing district and the Finance Division. If a dispute is anticipated, the providing district and the district residence shall begin discussion of points in dispute. Immediately upon cessation of the provision of said services, the providing district shall send to the district of residence and to the Finance Division a final attendance report and an itemized claim for payment. Within sixty (60) days of receipt of the claim, the district of residence shall deliver payment to the providing district and both districts shall immediately notify the Finance Division that payment has been made; provided, any unsettled disputes as to the appropriateness of the charges shall be referred within said sixty-day period to the Finance Division for resolution. Only upon verification that the payment has been received by the providing district shall the Finance Division credit to the district of residence the average daily attendance (ADA) of the child for the days the child received services from the providing district. Further, if payment still has not been made within sixty (60) days from the time of resolution of the dispute by the Finance Division or one hundred twenty (120) days from the date of receipt of the original claim, whichever is later, the Finance Division shall settle the matter by withholding the entire amount of the claim from State Aid or other payments otherwise due the district of residence and transmitting such amount to the providing district.

E. Upon determination by the Finance Division of the State Department of Education that a legal residence for a child placed in a public or private residential child care or treatment facility cannot be identified, the district in which the facility is located shall be the district of residence and the average daily attendance of such child shall be credited to such district.

F. If any school district shall fail, neglect or refuse, for any reason whatsoever, to provide special education for a handicapped exceptional child, certified as such by competent authorities and residing in such district, as directed in Section 13-101 of this title, the following is hereby authorized:

1. Such child shall be entitled, upon petition by the child's parent or guardian, without consent or approval of the school district not providing special education, to transfer to any adjacent or nearby school district which will accept the handicapped exceptional child and provide the special education which such child is entitled to receive. The school district in which a child transferring under this section resides shall pay to the district receiving and educating such child, as tuition, a special education transfer fee as provided in paragraph 2 of this subsection. Provided the average daily attendance of such child shall be credited to the home district of such transferee.

2. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education of such handicapped exceptional child based upon the cost of teachers, equipment, material, and special costs associated with the special education class.

3. It shall be the duty of the school district from which such handicapped exceptional child transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district is entitled to receive such fees shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division shall deduct the amount of the special education fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

4. The sending school district shall also be obligated to pay the special education transfer fee whenever it has transferred a student to another school district for purposes other than to acquire special education, but where the student is subsequently found to require such special education, is determined to be eligible by the Special Education Division of the State Department of Education, and is placed in an appropriate special education program by the receiving school district. For purposes of this paragraph, the special education transfer fee shall be as provided by paragraph 2 of this subsection, prorated by the receiving school district according to the number of days the student has been enrolled in the special education program. (70-18-110)

> District may maintain school for less than a full term if conditions exist which make maintenance impossible, but district's State Aid must still be reduced if it does not meet requirements of a full school term. November 26, 1980 (AG Op. No. 80-243)

ARTICLE XII
MISCELLANEOUS

Section 705. Deaf Children--Special Education.

A. It shall be the right of every child who is deaf or so hard-of-hearing that he cannot participate in the regular school program to receive an appropriate education at the expense of the State of Oklahoma. It shall be the duty of every school district to seek out and identify every such child between the ages of two (2) and twenty-one (21) at the earliest possible age under procedures to be prescribed by regulations of the State Department of Education. It shall be the duty of every parent or other person having custody of such child to cause such child to be enrolled in and attend a school which provides special education for such deaf children.

B . The State Department of Education may establish educational programs for preschool deaf and hard-of-hearing children by regional education service centers. Such programs shall serve preschool deaf and hard-of-hearing children from the age the hearing impairment is detected by a licensed physician or audiologist. Such programs shall also include a course of instruction for the parents of deaf and hard-of-hearing children. (70-1210.171)

Section 706. Enforcement of Preceding Section.

The duties of the school district under the preceding section shall be enforced by the State Department of Education through orders issued after a hearing upon due notice to such district. (70-1210.172)

THE STATE BOARD OF EDUCATION
REGULATIONS FOR ADMINISTRATION AND
HANDBOOK ON BUDGETING AND BUSINESS MANAGEMENT

Bulletin No. 145-X
1988-89

SPECIAL EDUCATION TRANSFERS

a. Regular Special Education Transfers:

In order that a child, identified pursuant to the provisions of Title 70 O.S. § 13-101 may be transferred, a written application for such transfer, designating the district to which the transfer is desired, shall be made by either of his parents, or by his guardian, and such application shall be filed with the county superintendent of schools for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state not later than May 15, preceding the school for which the transfer is desired. The county superintendent of schools shall notify, no later than May 25, the clerk of the board of education of the district from which the transfer is proposed to be made and the clerk of the board of education of the district to which the transfer is proposed to be made. The notices of the application for transfer shall so state that the board of education, from which the transfer shall so state that the board of education, from which the transfer is proposed, shall submit information as required by State Board of Education Policies and Procedures Manual for Special Education in Oklahoma for the delivery of Special Education Services for each identified handicapped child and that on or before June 5, the board of education of either district affected by the proposed transfer shall have an opportunity to show cause, if any, why the transfer should or should not be granted. This information will include (1) a current individual evaluation, (2) a categorical eligibility statement and (3) a current Individualized Education Program (IEP). The county superintendent of schools shall, not later than June 15, notify, in writing, the clerk of each board of education affected as to whether or not the transfer has been granted. Provided that at any time before June 20, the board of education of either district or the parent or guardian of the child may appeal, in writing, from the action of the county superintendent of schools to the district court of the county in which the child resides, and such appeal shall be heard, and a decision rendered thereon not later than June 30, and such decision shall be final.

b. Emergency Special Education Transfer:

A written application for an emergency special education transfer for a child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101, designating the district to which the transfer is desired shall be made by either the parent or guardian, and on an adequate showing of emergency based on information as required by State Board of Education Policies and Procedures Manual for Special Education in Oklahoma for the delivery of Special Education Services for each identified handicapped child. This information will include (1) a current individual evaluation, (2) a categorical eligibility statement and (3) a current Individualized Education Program (IEP) and shall be submitted to the county superintendent who may make and order a transfer, subject to approval by the State Board of Education.

c. Cancellation of Regular or Emergency Special Education Transfer:

A transfer made may be cancelled with the concurrence of the board of the receiving district, and a retransfer granted. Also, on affidavit of parent or guardian, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be cancelled. Cancellation of special education transfers are subject to the rules and regulations of the State Board of Education and the procedural due process requirements outlined at 20 U.S.C. 1415, of the Education for Handicapped Children's Act.

d. Residence of Child--Attendance in Transportation Area:

Any child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101, residing in a school district in the State of Oklahoma that does not offer the grade such child is entitled to pursue shall be entitled to attend the school of the school district in the transportation area in which such pupil resides that offers the grade he is entitled to pursue.

INDEX

Adaptive Behavior 31

Administrative Responsibility

  State 1

  Local 1-3

Ages of Children 10

Alternative Placement -- see LRE

Augmentive Communication 58-59

Carl D. Perkins Vocational Education Act (Public Law 98-524) 18-19

Caseload 36-37

Categorical Eligibility 40-41

Categories

  Ages 10

  Definitions 8-10

  Evaluations (Chart) 36-37

Child Count 3, 67

Child Find 3-5

Class Size 11, 12, 13, 36-37

Complaint Procedures 73-75

Comprehensive System of Personnel Development (CSPD) 72-73

Confidentiality 23-28

Consultative Teacher -- see Program Definitions

Cooperative Programs 2, 71

Corrective Action Plan 78, 80

Cumulative Records -- see Confidentiality of Education Records

Deaf 8, 33, 36

Deaf/Blind 8, 36

Departmentalization 12

Diplomas 17

Directory Information 25

Discipline 13-15

District Plan 1

Due Process Appeal Procedures 76-77

Due Process Hearing Procedures 75-77

Early Childhood
  Caseload 62
  Eligibility 60
  Evaluation/Assessment 59-60
  Funds 62-63
  Service Delivery 60-61
  Transition 62
ECHO 63
Educable Mentally Retarded 36
Eligibility -- see Categories
Emotionally Disturbed -- see Seriously Emotionally Disturbed
Evaluation
  Assessment Components 31
  Assessment Safeguards 30
  Comprehensive 29-32
  Independent Evaluation 34-35
  Modification Procedures 31-32
  Parent Consent 29
  Physical Impairment 39-40
  Reevaluation 33-34
  Specific Examiner Qualifications 32-33
  Speech 37, 38
Family Educational Rights and Privacy act (FERPA) 23-28
Forms -- see "Table of Contents" for specific form pages
  Special Education 83-119
  Special Services 123-137
Funding
  Federal 67-68
  Public Law 81-874 68
  Public Law 89-313 68
  Special Services 68-72
  State 67, 68-72
  Textbook 21
Grading 15-16
Graduation Requirements (Units) 16-17
Hard-of-Hearing 9, 33, 36

- High School Special Education 16-17, 17-20, 43
- Home-Based 11, 37
- Homebound 69-70
- Indirect Services 37
- Individual Written Rehabilitation Plan (IWRP) 19, 43
- Individualized Education Program (IEP)
  - Computerized 46
  - Initial 42, 45
  - Instructions 47-52
  - Interim 44-46
  - Review 42
  - Team 42
- Inservice -- see Comprehensive System of Personnel Development (CSPD)
- INSITE 64
- Institutional Program
  - Hospital -- see Program Definitions
  - Residential -- see Program Definitions
- Interagency Coordination 4, 20
- Itinerant Teacher 11-12, 37
- Lab Class -- see Program Definitions
- Learning Disabilities
  - Definition 10
  - Eligibility 37
  - Evaluation 32, 37
  - Evaluation Summary 39
  - Observation 38-39
  - Team 38
- Least Restrictive Environment (LRE)
  - Assurances 21-22
  - Documentation 22-23, 51-52
- Length of School Day 10
- Local Education Agency Responsibilities 1-3
- Mentally Retarded 9, 32, 36
- Mixed Categories 12
- Modified Programs 12-13
- Monitoring 77-79

Move-in Students 45
Multidisciplinary Evaluation Team 35
Multihandicapped Teacher Registry 21
Multihandicapped 9, 33, 36
Notification of Meeting 5, 6
Occupational Therapist 33, 40
Orthopedically Impaired 9, 33, 36
Other Health Impaired 9, 33, 37
Out-of-District Placement 44
Paraprofessionals 55-57
Parental Involvement 5-8
Parents' Rights .... 5-8, 88 or 96
Physical Education 50
Physical Impairment 39-40
Physical Therapist 33, 40, 53, 55
Placement 28, 41
Pregnant Girls 69-70
Prior Notice -- see Written Notice
Private Schools 13
Program Definitions 10-12
Program Effectiveness 1, 2
Programs or Classes (Chart) 36, 37
Public Law 81-874 68
Public Law 89-313 68
Public Law 93-112 .... 19, 40
Public Law 98-524 18-19
Record Maintenance -- see Confidentiality of Education Records
Reevaluation 33-34
Referral 3-5, 28
Regional Education Service Centers (RESCs) 28, 64-67
Regular Classroom Placement -- see Individualized Education Program (IEP)
Rehabilitation Act of 1973 (P.L. 93-112) 19, 40
Related Services 52-55
Release of Information 23-28
Release of Records 23-28
Removal from Special Education Programs 57

- Resource Room -- see Program Definitions
- Review of Placement/IEP 42-43
- School Day (Length) 10
- School-to-Home Telephone System 72
- Screening 28, 65
- Secondary Programs 10, 16-20, 43
- Section 504 -- see Rehabilitation Act of 1973 (P.L. 93-112)
- Self-Contained Class -- see Program Definitions
- Seriously Emotionally Disturbed 9, 32, 37
- Special Day School -- see Program Definitions
- Special Services 68-72
- Specific Learning Disability -- see Learning Disabilities
- Speech or Language Impaired 10, 33, 37, 38
- Staff Development -- see Comprehensive System of Personnel Development (CSPD)
- State Funding 67, 68-72
- State Laws 139-156
- Step-by-Step Service Delivery Procedures 28-29
- Surrogate Parents 6-8
- Suspension/Explusion 14-15
- Teacher Certification 20-21
- Teacher Salary 21
- Textbook Funding 21
- Trainable Mentally Retarded 36
- Transcripts 16
- Transfers 2, 155-156
- Transition -- see either Early Childhood or Vocational Education
- Transportation 54-55, 70-71
- Visiting Counselor 21
- Visually Handicapped 10, 32, 36
- Vocational Education 17-20, 51
  - Laws 18-19
  - Programs 17-18
  - Service Delineation (Chart) 20
  - Transition 18
  - Vocational Rehabilitation 19, 43, 51
  - Vocational-Technical Education 17-18

Work/Study 18
Written Notice 5-6

INTERAGENCY AGREEMENTS

OKLAHOMA INTERAGENCY COOPERATIVE AGREEMENT

BETWEEN THE

STATE DEPARTMENT OF HUMAN SERVICES
DIVISION OF REHABILITATION SERVICES

AND THE

STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION SECTION

AND THE

STATE DEPARTMENT OF VOCATIONAL AND TECHNICAL EDUCATION

TABLE OF CONTENTS

I. INTRODUCTION 1

II. SERVICES 3

III. SERVICE RESPONSIBILITY 4

- A. Special Education
- B. Vocational and Technical Education
- C. Rehabilitation Services
- D. Service Responsibility Activities

IV. AGREEMENT ASSURANCES 18

- A. Planning Cycles
- B. Complaint Procedures
- C. Statement of Confidentiality
- D. Due Process
- E. Compliance with Principal Legislation

V. INTER/INTRA-AGENCY LINKAGES 19

VI. SIGNATURE PAGE 20

I. INTRODUCTION

As a result of federal and state legislation, there has been a great deal of concern expressed for the need to provide handicapped persons with an appropriate education in the least restrictive environment. The purpose of this interagency agreement is to deliver appropriate occupational preparation services to handicapped individuals at the secondary, postsecondary, and adult levels. Cooperation between and among agencies is necessary to ensure the smooth transition of handicapped individuals from public education to appropriate, gainful employment. Efforts to accomodate the handicapped in occupational preparation programs need to be intensified and expanded.

While numerous resources through public and private agencies have been available, surveys and studies show that many persons in Oklahoma are in need of special education, vocational education, and vocational rehabilitation services because of physical, mental, or emotional impairment. Since no agency has all the necessary resources to adequately meet the needs of handicapped individuals, it is only through a concerted effort in interagency cooperation that handicapped individuals can be assured a full continuum of services beginning with public education and continuing through adult years.

The development and implementation of a cooperative service agreement at the state level is the first step in facilitating interagency cooperation. This agreement exemplifies the committment of state-level officials and facilitates the delivery of services at the local program level. This document presents a framework for and the procedures necessary to implement the delivery of coordinated services while maintaining flexibility as each agency delivers services to the handicapped. It is fully recognized that service delivery methods vary. Therefore, this agreement presents a broad approach to stimulating new efforts of cooperation between agencies which have as a common goal, the occupational preparation of handicapped individuals.

Since the provision of basic academic instruction is the responsibility of the State Department of Education, and vocational education continues to be the responsibility of the State Department of Vocational and Technical Education, the issues of current concern between education and rehabilitation falls in the area of "related services." However, "related services" may overlap certain VR services. A number of handicapped individuals under 21 years of age may be eligible for such services under all three programs at the same time. Age ranges and grade levels will vary depending on the level of need and the severity of handicap.

Although the programmatic goals are different, many of the services which may be offered under one program could, under certain circumstances, be provided by the other. It must be remembered, however, that terms and purposes are not always identical and that there will remain certain differences to be resolved at the local level within each agency's laws, regulations, priorities, and resources. The following principal legislative references will be adhered to:

1. Part B of the Education for the Handicapped Act (EHA) (P.L. 94-142) and amendments.
2. The Rehabilitation Act of 1973 (P.L. 93-112) and amendments.
3. The Carl D. Perkins Vocational Education Act (P.L. 98-524).

II. SERVICES

Age ranges and grade levels will vary depending on the level of need or sevirity of handicap. The following service profile chart for occupational preparation includes minimal instructional components, age ranges, levels, and agency responsibility:

INSTRUCTIONAL COMPONENTS	AGE RANGE	GRADE LEVEL	RESPONSIBLE PROGRAM
Personal Adjustment (daily living skills	11, 12, 13	6th, 7th, 8th	Special Education (with consultation from Vocational Rehabilitation)
Prevocational Evaluation and Education	11, 12, 13	6th, 7th, 8th	General Education Special Education (with consultation from Vocational Education and Vocational Rehabilitation)
Vocational Training	14 and above	9th - 12th	Vocational Education
	14 - 21	9th - 12th	Special Education
	16 and above[1]	9th - 12th	Vocational Rehabilitation
Job Placement and Follow-up	16 and above Program completers 16 - 21		Vocational Rehabilitation Vocational Education Special Education
Adult Training[2]			Vocational Rehabilitation Vocational Education

---

[1] Eligibility for traditional Vocational Rehabilitation Services is not based solely on age. However, agency policy states that clients should reach employment age by completion of the IWRP.

[2] Dropouts are included in the adult training program.

III. SERVICE RESPONSIBILITY

Those services which are currently, traditionally, and legally the functions of special · education will be provided under the administration and supervision of the local school district in cooperation with the Special Education Section of the State Department of Education. Those services which are currently traditionally and legally the responsibility of vocational education will be provided under the administration and the supervision of the local school district in cooperation with the State Department of Vocational and Technical Education. Those services which are currently, traditionally, and leagally the function of rehabilitation services will be provided under the direction and supervision of the Division of Rehabiilitation Services of the State Department of Human Services.

In service programs of this type and scope, however, there are certain services to the physically, mentally, and emotionally disabled and vocationally handicapped youth that are legally the responsibility of all three agencies. The very nature of the problem and the common objective make this so.

The following areas of responsibility provide for continuous and uninterrupted service through "common areas" without duplication. It is the intent of this agreement that no department will encroach upon the legal responsibilities of any other department.

A. Special Education

The Special Education Section of the State Department of Education agrees to the following:

1. To serve as a working member of the Oklahoma Interagency Vocational Planning Group.

2. To provide for the identification, location, and evaluation of handicapped children.

   The term "handicapped children" means those children evaluated in accordance with regulations as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, deaf-blind, multi-handicapped, or as having. specific learning disabilities, who because of those impairments need special education and related services.

3. To provide a free appropriate public education in the least restrictive environment.

   The term "free appropriate public education" means special education and related services which:

   Are provided at public expense, under public supervision and direction, and without charge;

Meet the standards of the state educational agency; include preschool, elementary school, or secondary school education; and

Are provided in conformity with an individualized education program which meets the requirements under state and federal regulations.

The term "least restrictive environment" means that each public agency shall insure:

That to the maximum extent appropriate, handicapped children (including children in public or private institutions or other care facilities) are educated with children who are not handicapped; and

That special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

4. To provide an individualized education program which includes special education and related services.

The term "special education" means specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, physical education, home instruction, and instruction in hospitals and institutions.

The term includes speech pathology or any other related service, if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child, and is considered "special education" rather than a "related service" under state standards.

The term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child.

The terms in this definition are defined as follows:

"At no cost" means that all specially designed instruction is provided without charge, but this does not preclude incidental fees which are normally charged to non-handicapped students or their parents as a part of the regular education program.

"Physical education" is defined as follows:

a. The term means the development of:
   1) Physical motor fitness;
   2) Fundamental motor skills and patterns and
   3) skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

b. The term includes special physical education, adapted physical education, movement education, and motor development.

The definition of "special education" is a particularly important one under these regulations since a child is not handicapped unless he or she needs special education.

The definition of "related services" also depends on this definition since a related service must be necessary for a child to benefit from special education. Therefore, if a child does not need special education, there can be no "related services" and the child (because he/she is not handicapped) is not covered.

> The term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes shcool health services, social work services in schools, and parent counseling and training.

5. To insure the procedural safeguards of handicapped children and their parents.

6. To provide career awareness activities directed toward making the handicapped student aware of himself and of careers in the world of work.

7. To provide career exploration activities in which handicapped students begin to sample and engage in experiences related to specific careers.

8. To provide basic academic skill development activities to provide handicapped students with adaptability skills needed for socio-economic integration into society.

9. To provide auxiliary aids, reader services for the blind, interpreters for the deaf, and other related services as required.

10. To provide job-seeking, job-getting, and job-holding skill development activities that will give a student the opportunity to develop and practive such skills in real and/or simulated situations.

11. To provide staff development activities that provide vocational education and special education teachers with special competencies for preparing handicapped students to enter the world of work.

12. To provide career and vocational training for handicapped students, including special training needed to augment the vocational education being provided.

13. To provide work-study programs.

B. Vocational and Technical Education

The State Board for Vocational and Technical Education agrees to the following:

1. To serve as a working member of the Oklahoma Interagency Vocational Planning Group.

2. To provide vocational training and support services necessary to enable handicapped persons to prepare for employment. Eligible person are those with educational handicaps who are in high school, those who have completed or left high school and are preparing to enter the labor market, and those who have entered the labor market but need to upgrade their skills or learn new ones.

   Handicapped persons are defined as follows:

   Mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired person or persons with specific learning disabilities, and who, by reason of the above, require special education and related services, and cannot succeed in the regular vocational education program without special education assistance, or require a modified vocational education program.

3. To provide training for handicapped persons that will be of high quality, realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

4. To fund up to 50% of the costs of support services for handicapped persons in regular vocational programs as funds are available.

5. To fund up to 50% of the excess costs of training handicapped persons in modified vocational programs as funds are available.

6. To fund up to 50% of the excess costs of special vocational programs for the handicapped as funds are available.

7. To require that handicapped persons receiving special services provided by funds allocated from Section 202(1), P.L. 98-524 have an individualized education plan (IEP). (This act also requires each state to expand at least 10% of its allotment under Section 202(1) for the cost of vocational education for handicapped persons.)

8. To recommend that a vocational education representative act as a member of the planning team if vocational education is likely to be called for in the IEP of a student.

9. To provide information in regard to evaluation of vocational education programs for the handicapped.

10. To actively seek information and consult with personnel of the Rehabilitation Services Division relative to handicapped persons in need of vocational training.

11. To furnish to the Rehabilitation Services Division lists of handicapped persons who are completing vocational training courses, types of training completed, and level of achievement.

12. To provide the personnel of the Rehabilitation Services Division information in regard to evaluation of vocational training programs for the handicapped.

13. To extend, improve, and where necessary, maintain existing programs of vocational education.

14. To develop new programs fo vocational education.

15. To develop and carry out such programs of vocational education within each state so as to overcome sex discrimination and sex stereotyping of vocational education programs (including programs of homemaking), and thereby furnish equal educational opportunities in vocational education to persons of both sexes.

16. To provide part-time employment for youth who need the earnings from such employment to continue their vocational training on a full-time basis.

C. Rehabilitation Services

The Rehabilitation Services Division of DHS agrees to the following:

1. To serve as a working member of the Oklahoma Interagency Vocational Planning Group.

2. To accept referrals of physically, mentally, and emotionally disabled and vocationally handicapped individuals who are enrolled in the local high schools.

3. To provide for services to determine eligibility for vocational rehabilitation services.

    a. The criteria for eligibility for services through the Division's traditional program are: 1) The presense of a mental or physical disability which constitutes or results in substantial handicap to employment, and 2) a reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

    b. The criteria for eligibility for services through the Division's Independent Living Rehabilitation Program are: 1) the presence of a severe mental or physical disability which results in the limitation of one of the major life functions, and 2) a reasonable expectation that independent living rehabilitation services may result in the client successfully remaining in the family and/or community.

    c. The age of an individual, in and of itself, will not be the deciding factor in eligibility determination. Rather, age relevancy is the point in life when vocational planning, preparation, and a continuum of services (including services to determine rehabilitation potential and to establish independent living services and/or to establish employment goals and intermediate objectives to attain such goals) are appropriate for a given individual.

    d. No handicapped individual or group of handicapped individuals will be excluded solely on the basis of the type of physical or mental disability.

    e. A financial means test will be properly and equitably applied for certain services.

    f. Severely handicapped individuals must be served first under any established priorities, and any other priorities will not discriminate on the basis of age, sex, race, color, creed, or national origin.

BEST COPY AVAILABLE

g. Similar benefits from other services providers will be used where available.

It was the intent of Congress that the similar benefits provisions are to provide vocational rehabilitation agencies with an organized method for assessing the eligibility of handicapped individuals for benefits under other programs and for drawing upon other programs to provide those services for which the individual would otherwise be entitled. This requirement contains considerable flexibility for state application in determining the nature and degree of cooperation with other agencies and in individual cases. Similar benefits need not be utilized when they would not be adequate or timely, or would otherwise interfere with achieving the short- or long-range rehabilitation objectives of the individual. This condition applies to all vocational rehabilitation services, but specifically by law to physical restoration and maintenance. While other services (including training other than that in institutions of higher education) are not subject to mandatory similar benefits provisions, the state vocational rehabilitation agency would look first to other approrpriate sources, such as free public education generally available to all children in the state.

Issues have been raised involving circumstances under which available special education and related services will be provided to meet an intermediate objective[1], under both IEP and IWRP. When "special education" and "related services" are available and the handicapped child is entitled to receive those services, such services are a similar benefit.

The key concept is "availability." The service must be one that is needed for both education and rehabilitation purposes and which the education agency can provide in a timely fashion, meeting the quality level needed for the intermediate rehabilitation objective relating to the attainment of long-range employment goals.

---

[1] Intermediate rehabilitation objectives: the steps which must be achieved before the long-range vocational goal can be attained, i.e., medical, social, personal, vocational outcomes which result from provision of services.

When a service is needed for vocational rehabilitation purposes but is not available from the education agency, then the rehabilitation agency cannot look to education for a similar benefit and may assume responsibility for providing that service for a specified length of time (directly or by using other benefits which may be available outside of education).

h. Authority for determining eligibility for, or the nature and scope of, vocational rehabilitation services is vested in the state vocational rehabilitation agency and cannot be assumed by or delegated to any other agency or individual.

There are some fundamental features of the vocational rehabilitation program which must guide vocational rehabilitation decisions. Where the eduction program under P.L. 94-142 is a "basic rights" program, the vocational rehabilitation program is not. Federal legislation and implementing regulations establish certain conditions which state vocational rehabilitation agencies must meet in order to qualify for Federal Financial Participation (FFP). These conditions are reflected in state plan requirements.

The law, regulations, and state plan recognize that all individuals who conceivable might meet eligibility criteria cannot be served and that limits may be set on who may be served. Consequently, accommodations are permitted where state vocational rehabilitation agencies do not have adequate resources to serve all handicapped people who are at or near working age and have vocational potenital. Essentially, it is this type of flexibility permitted a state agency which obviously deviates from a "basic rights" program approach. Also, in recognition of limited vocational rehabilitation program capacity and to increase that capacity, the law requires the use of other available resources.

4. To delegate the vocational rehabilitation counselor serving the local school district as the representative member of the planning team when rehabilitation services are likely to be called for in the IEP of a student.

5. To collaborate in the writing of the IEP as it relates to the IWRP.

Each child served under P.L. 94-142 must have an Individualized Education Program (IEP). Each handicapped individual served by the vocational rehabilitation program must have an Individualized Written Rehabilitation Program (IWRP), except for diagnostic services. Services under an IEP or an IWRP may be paid for by the other agency or some other community resources. The IEP may contain references to services which are, in fact, provided under an IWRP, and vice versa.

Both the Rehabilitation Services Administration and the Office of Education strongly encourage state education and state vocational rehabilitation agencies to develop collaborative IEP's and IWRP's at the earliest time appropriate to each eligible individual. One guiding principle is that the vocational rehabilitation agency should not be expected to provide and pay for services for handicapped students which are afforded non-handicapped students in the school setting, as required under Section 504 of the Rehabilitation Act. Additionally, vocational rehabilitation agencies cannot provide services at a point in time where such services meet only educational needs and do not appropriately fit into a continuum of services under an IWRP leading to a vocational objective. Vocational rehabilitation involvement might occur on an individual basis as early as secondary school entry for prevocational planning purposes which normally would not involve expenditure of funds at that stage. Later on, vocational rehabilitation should become involved at least by the terminal year (graduation or termination for other reasons) with students who are expected to need vocational rehbilitation services.

6. To accept the responsibility for the provision of rehabilitation services for eligible handicapped persons ages sixteen and over, who have voluntarily withdrawn from high school. Where students are interested in returning to school, the vocational rehabilitation counselor will confer with the school district of jurisdiction in an attempt to have structured within the district an educational or vocational program that would lead to completion of an appropriate course of study.

   The following services are considered to be particularly important in meeting the unique needs of handicapped individuals and may not be generally available to handicapped students in the education setting: 1) physical and mental restoration services; 2) general and special medical examinations; 3) transportation in connection with the provision of other vocational rehabilitation services including, for example, to job training sites where placements have been made cooperatively by the school and rehabilitation agency; 4) telecommunications, sensory and other technological aids and devices; (5) job development and placement in suitable employment; 6) postemployment services necessary to assist handicapped individials to maintain their employment; and 7) the purchasing of occupational licenses, tools, and equipment necessary for entry into employment.

Services such as those listed above would not be required by the majority of handicapped students. They may be required for more severely impaired students to assist them to become well-adjusted and suitably employed.

7. To coordinate postsecondary training and placement of eligible handicapped persons ages 18 to 25 who have completed an approved course of study and graduated from a public school program.

8. To make available to the State Department of Vocational and Technical Education information regarding handicapped persons who are in need of vocational education.

9. To work closely with the State Department of Education representative on both state and local levels to the end that training of the handicapped persons may be kept as closely related as possible to employment opportunities in Oklahoma.

10. To provide guidance and testing services for eligible persons receiving vocational and technical education training.

11. To recommend changes in guidelines and evaluating processes of vocational education programs for the handicapped.

D. SERVICE RESPONSIBILITY ACTIVITIES

Services must be available and accessible to all handicapped individuals. The listed activities are not all-inclusive; others may be added. Where there is a duplication or overlapping of services, primary responsibility for service delivery will be determined on an individual basis. The activities below, marked with an asterisk (*), can generally be provided by the specific agency.

ACTIVITIES	SPECIAL EDUCATION	VOCATIONAL EDUCATION	VOCATIONAL REHABILITATION
Referral			
1. Awareness			
(a) Public Awareness	*	*	*
(b) Professional Awareness	*	*	*
2. Screening			
(a) Mass Screening	*	*	*
(b) Individual Screening	*	*	*
3. Referral to Assessment	*		*
Assessment			
1. Psychological/Behavioral	*		*
2. Social/Home/Peer	*		
3. Educational	*	*	*
4. Medical Diagnosis to Determine Eligibility	*		*
5. Speech and Language	*		*
6. Prevocational Evaluation, Interest, and Aptitude	*		*
7. Vocational and Work Evaluation	*	*	*

ACTIVITIES	SPECIAL EDUCATION	VOCATIONAL EDUCATION	VOCATIONAL REHABILITATION
Program Planning			
1. Individualized Education Program (IEP)	*	*	*
Individualized Written Rehabilitation Plan (IWRP)	*	*	*
2. Services			
* vocational education program	*	*	*
* regular vocational education program	*	*	*
* adapted vocational education program	*	*	*
* special vocational education program (self-contained)	*	*	*
* individual vocational training	*		*
* work activity center	*		*
* work-study activity	*		*
* cooperative vocational education	*	*	*
* prevocational education	*		
* personal adjustment counseling	*	*	*
* academic adjustment counseling	*	*	*
* vocational adjustment counseling	*	*	*

ACTIVITIES	SPECIAL EDUCATION	VOCATIONAL EDUCATION	VOCATIONAL REHABILITATION
2. Services (continued)			
* interpreter/note-taker (individually determined for a specific time period)		*	*
* reader services for the blind (individually determined for a specific time period)		*	*
* special tools, devices, equipment (school-based)	*	*	
* special tools, devices, equipment (client-owned)			*
* learning station modification	*	*	*
* special support staff (aides, tutors, paraprofessionals)	*	*	*
* related services (O.T., P.T., and speech correction)	*		*
* curriculum modification and development	*	*	*
* transportation	*		*
* subsistence while in training			*
* monitoring of student progress	*	*	*

ACTIVITIES	SPECIAL EDUCATION	VOCATIONAL EDUCATION	VOCATIONAL REHABILITATION
3. Related Services			
* medical (other than diagnostic)			*
* mental therapy			*
* physical restoration			*
* interpreter and reader services	*	*	*
* maintenance (room and board)	*		*
* job development and placement	*	*	*
* home modification			*
* on-the-job training		*	*

IV. AGREEMENT ASSURANCES

A. Planning Cycles

Representatives of the State Department of Vocational and Technical Education and the Special ELducation Section of the State Department of Education and the Division of Rehabilitation Services of the Department of Human Services will meet at least annually. However, representatives may meet throughout the year as needed in order to develop a close working relationship on the mutual problems outlined in this agreement and to add to and improve their respective contributions to the services for the handicapped.

The provisions of this agreement will be reviewed and revised as needed on at least an annual basis.

B. Complaint Procedures

Each agency will designate a representative to receive client and consumer complaints. Procedures for reviewing and investigating complaints are as follows:

1. Upon receiving a complaint, the representative of the affected agency or agencies will be notified in writing.
2. Regardless of which agency receives the complaint, when the complaint is against one agency only, it will be dealt with in the manner prescribed in that agency's state plan.
3. When more than one agency is involved, the complaint will become a shared responsibility with each agency addressing that protion or portions which pertain specifically to that particular agency.
4. In instances where complaints or parts of a complaint are overlapping in nature and are not clearly the responsibility of one agency, it will become a shared responsibility. Resolution of the situation will be accomplished in a cooperative effort by the representatives of the affected agencies.
5. In the event a resolution cannot be reached by the representatives, a meeting of the Oklahoma Interagency Vocational Planning Group may be held to determine a procedure for satisfactorily solving the problem.

C. Statement of Confidentiality

Various laws and regulations govern the sharing of personal information. Legislation and regulations applicable to education records allow rather free access by the individual to his own records. Many programs will share information with other agencies under conditions that such information will not be further divulged. Case files often contain information obtained from a variety of sources, some of whom do restrict further release. To address this problem and others, the Interagency Vocational Planning Groups are currently working on revisions to regulations and guidelines dealing with access, disclosure, and protection of personal information. Until these problems can be worked through, agencies may permit the sharing of information only on a selective basis in accordance with state policies and federal regulations.

The Oklahoma State Department of Education, the Oklahoma State Department of Vocational and Technical Education, and the Division of Rehabilitation Services of the Department of Human Services assure compliance with confidentiality safeguards as addressed in the respective state plans of the above agencies.

D. Due Process

Procedural safeguards are addressed in detail in the state plans approved by each agency. For the purposes of this interagency agreement, each agency reaffirms the right of due process and other procedural safeguards as described in their respective state plans.

E. Compliance With Principal Legislation

The State Department of Education, the State Department of Vocational and Technical Education, and the Division of Rehabilitation Services of the Department of Human Services assure compliance with Oklahoma state statutes and federal law including:

a. Part B of the Education for the Handicapped Act (EHA) (P.L. 94-142) and amendments.

b. The Rehabilitation Act of 1973 (P.L. 93-112) and amendments.

c. The Carl D. Perkins Vocational Education Act (P.L. 98-524).

V. INTER/INTRA-AGENCY LINKAGES

As stated earlier, representatives of the Oklahoma State Department of Education, the Oklahoma State Department of Vocational and Technical Education, and the Division of Rehabilitation Services of the Department of Human Services will meet periodically throughout the year. They will develop a closer working relationship as they deal with mutual problems outlined in this agreement. Expected results include more appropriate placement, education, and training of handicapped individuals.

It is also anticipated that stronger linkages between and among these agencies will be developed as the need arises for additional supportive services.

VI. SIGNATURES

STATE DEPARTMENT OF VOCATIONAL AND
TECHNICAL EDUCATION

Roy Peters, Jr.

ROY PETERS, JR., DIRECTOR

SPECIAL EDUCATION SECTION
STATE DEPARTMENT OF EDUCATION

John M. Folks

JOHN M. FOLKS, Ed.D.
SUPERINTENDENT OF PUBLIC INSTRUCTION

REHABILITATION SERVICES DIVISION
STATE DEPARTMENT OF HUMAN SERVICES

Robert Fulton

ROBERT FULTON, DIRECTOR
DEPARTMENT OF HUMAN SERVICES

January 28, 1980

DATE

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
OFFICE FOR CIVIL RIGHTS, REGION VI
AND THE
OKLAHOMA STATE DEPARTMENT OF EDUCATION

A. INTRODUCTION

This Memorandum of Understanding (MOU) between the Office for Civil Rights (OCR) and the Oklahoma State Department of Education (OSDE) is being established to support mutual goals and objectives. It is our intention to:

1. improve the ability of OCR and OSDE to accomplish their civil rights responsibilities;

2. strengthen cooperation and coordination between OCR and OSDE;

3. reduce the data collection burden on OSDE and local recipients, and at the same time, expedite the compilation of compliance information; and

4. prevent duplication of effort and thereby reduce the operating costs of OSDE, local agencies, and OCR.

This MOU applies to all OSDE programs and activities in elementary and secondary programs in Oklahoma public schools (K-12) which receive Federal financial assistance from the United States Department of Education (ED) or from any other agency of the Federal government which has delegated its initial civil rights responsibilities to ED.

OCR and OSDE determines the investigative and technical assistance activities included in the MOU.

B. GENERAL PROVISIONS

The general provisions set out below represent the basic principles of the agreement that have been reached.

1. Notification and consultation between staffs from both agencies in no way expresses or implies that participation in this agreement constitutes relinquishment of any of their respective legal responsibilities.

2. The staffs of both agree to fully respect and adhere to the confidentiality requirements and prohibitions of each agency regarding complaint-related information and sensitive data. Adherence to these requirements and prohibitions must be consistent with Federal and State law. In case of conflict between valid Federal and State requirements, Federal requirements will prevail. See, e.g., U.S. v. Phoenix Union High School District, 681 F.2d 1235 (9th Cir. 1982).

BEST COPY AVAILABLE

C. LEGAL PROVISIONS

1. Adams Order

OCR is bound by the requirements of the Adams v. Bennet Order which specifies procedures and time frames for handling complaints and compliance reviews. These procedures must be precisely followed to avoid any violation by OCR of the Adams Order. OCR is restricted from entering into any agreement with State agencies involving the deferral or referral of complaint or compliance review activities to the State for investigation because of the Adams Order.

2. Freedom of Information Act (FOIA)

The Freedom of Information Act, 5 U.S.C. § 552, requires that any documents within the custody of OCR are subject to the disclosure requirements of the Act.

3. Privacy Act

The Privacy Act, 5 U.S.C. § 552a, states that in order for OCR to disclose records, it must receive, from the head of the State or local governmental agency, a written request specifying what part of the record is desired and stating the purpose for which it is sought. If this procedure is not followed, then the record may not be disclosed. In addition, regulations require that an accounting procedure be established for records disclosed under the Act. Under this procedure, a record must be kept of the name and address of the person or entity to whom the disclosure is made, and the nature, purpose and date of the disclosure. As a general rule, an individual has a right under the Act to be notified of disclosures of his or her records. However, when the disclosure is made to another Federal, State or local government agency or instrumentality thereof, within or under the control of the United States, the Department's regulations provide that an individual will be granted notification of disclosure only at the discretion of the responsible Department official. (See 34 C.F.R. § 5b.9(b)(7)). It should also be noted that if the individual to whom the record pertains gives his or her written consent to disclosure, an accounting thereof is not required.

D. SPECIFIC PROVISIONS

The parties further agree that:

1. they will exchange agency organizational charts (annually) as well as revisions which may occur;

2. they will exchange guidelines, manuals, procedures and other information which explain how the parties operate and make their determinations of compliance and noncompliance;

3. OCR will furnish the OSDE with notification of individual open complaints as they occur throughout the year, as well as a semi-annual listing of open complaints filed against recipients receiving ED financial assistance. The listing of open complaints will only include the following:

   a. name of respondent institution;

   b. date complaint was docketed;

   c. basis of the alleged discrimination (race, color, sex, national origin, handicap, age);

   d. the general allegation or charge (employment, admissions, grading, discipline, placement, etc.); and

   e. the status of the case (pre-investigation, investigation stage, negotiations conducted, post-investigation enforcement stage);

   f. copies of agreements developed between the complainant and recipient in cases resolved through ECR. May 30 - ANNUALLY
   Nov. 30 - " "

   (Any information relating to the complainant is only to be released in strict accordance with the Freedom of Information Act and the Privacy Act.)

4. they will provide each other with reasonable access to case files, including final reports, interviews, and reports of findings on all open investigations, and compliance reviews to the extent that release of such information is consistent with the Freedom of Information Act and Privacy Act provisions affecting their respective organizations;

5. they will notify one another as soon as possible once an educational institution has been selected for a compliance review and exchange information during the preparation stage, as appropriate;

6. as often as possible, the scheduling of OCR-initiated compliance reviews and monitoring visits will be coordinated. If appropriate, OSDE may join OCR in the conduct of complaint investigations. If there is joint participation, OCR retains responsibility for investigating and resolving all OCR initiated complaints, and compliance or monitoring reviews. In case of conflict between Federal and State requirements, Federal requirements will prevail;

7. they will assist each other's efforts to obtain voluntary compliance with civil rights laws and regulations, and consult relative to the resolution of conflicting compliance determinations;

8. they will notify each other, and to the maximum extent possible coordinate on the provision of technical assistance relevant to civil rights laws and regulations;

BEST COPY AVAILABLE

9. they will exchange appropriate reports on compliance and technical assistance activities (upon request), including survey data, policy documents, computer printouts and special analysis;

10. they will exchange appropriate information to avoid duplicative requests for data from ED recipients;

11. they will encourage the development of systems to expedite the flow of Federal financial Information pertaining to Department of Education recipients;

12. they will encourage the development of compatible data formats;

13. they will encourage participation in each other's training sessions to enhance the knowledge and monitoring skills of the respective staffs; if possible, notification of training sessions will be made in writing two weeks prior to the scheduled sessions;

14. they may also exchange management information, including functional responsibilities, mission statements, and overall responsibilities;

15. they will conduct a minimum of one meeting per year to discuss problems of mutual interest, including implementation of the MOU.

Principal staff responsible for implementation and adherence to the terms of this agreement, as well as notification and consultation under this agreement, are as follows:

Office for Civil Rights
Division Director
Elementary & Secondary Education
Region VI
1200 Main Tower, 22nd Floor
Dallas, Texas 75202
214/767-3959

Oklahoma State Department of Education
State Superintendent
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105-4599
405/521-3301

E. CHANGING THE MOU PROVISION

This agreement may be expanded, modified, or amended at any time by mutual consent of both agencies and shall be reviewed and renewed from time to time as needed. It may be terminated if either agency is no longer interested in pursuing the activities, the activities have been completed, or they need revision. Each party agrees to give the other 30 days notice of intention to terminate.

This Memorandum of Understanding becomes effective upon the date, when both signatures are affixed below. This agreement shall expire on June 1, 1987, unless reviewed and renewed by both parties prior to that date.

Oct. 3, 1986

Office for Civil Rights
U. S. Department of Education
Taylor D. August
Regional Civil Rights Director
Region VI

Date

John M. Folks

Sept 24, 1986

Oklahoma State Department of Education
John M. Folks
State Superintendent of Public Instruction

Date

INTERAGENCY EDUCATIONAL AGREEMENT

In the provision of special education and related services for residential school age clients of the three state schools for the mentally retarded, the Department of Human Services (DHS) will contract with local education agencies (LEA) for the provision of special education and will be responsible for the delivery of related services as stated in a contractual agreement between DHS and the LEA. DHS's responsibilities concerning the provision of related services shall extend to the administrative hearing process under the Education For All Handicapped Children's Act. In the event issues regarding related services are presented in administrative hearing processes under the Education for All Handicapped Children's Act, DHS will respond to those issues and will implement any necessary corrective action.

The term "Related Services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education and includes, but may not be limited to, speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services and parent counseling and training.

In some instances, it may be advantageous to contract with the local public school for a particular related service. In such instances, the agreement will be made in writing as part of the regular contract for education services with the LEA or as an addendum to that agreement.

The necessary special education and related services for each client will be determined by the Individual Program Plan (IPP)/Individual Education Program (IEP) team. The IPP/IEP team will identify needs for each client, set objectives and implement activities to meet those needs.

In some individual cases, activity that is normally considered to be special education may be carried out in whole or in part by DHS staff. Likewise in other cases, activity normally considered to be a related service may be carried out in whole or in part by staff of the local education agency.

BEST COPY AVAILABLE

IPP/IEP meeting times shall be within the legal timelines in P.L. 94-142 and will be jointly agreed to by the LEA and DHS. Both DHS and LEA shall assure that appropriate team members are present for such meetings. Documentation shall satisfy State and Federal requirements pertaining to intermediate care facilities for the mentally retarded (ICF/MR), and P.L. 94-142 and other applicable state and federal laws and regulations. The DHS institutional superintendent shall assure that documentation complies with ICF/MR requirements. The superintendent of the LEA, in concert with the LEA school principal, shall assure that documentation requirements of P.L. 94-142 are satisfied.

Any issues which arise under this agreement and cannot be resolved at the local level, and any proposed departures from the agreements and understandings reflected herein, are to be reported to the DHS Assistant Director for Developmental Disability Services and to the Administrator of Special Education of the Department of Education. They shall confer promptly on any such issues or proposed departures and, when appropriate, refer the matter to the Director of DHS and the State Superintendent of Education for resolution.

This agreement shall be in addition to the agreement entered into pursuant to Title 70 O.S. S 13-111(b).

Robert Fulton

Robert Fulton, Director
Department of Human Services

John M Folks.

John M. Folks, State Superintendent
State Department of Education

MEMORANDUM OF AGREEMENT CONCERNING THE PROVISION OF "RELATED SERVICES", AS MANDATED BY TITLE 70 O.S. Supp. 1983 § 13-111(B)

This agreement encompasses a plan for the coordinated delivery of related services to exceptional children as mandated by 70 O.S. Supp. 1983 § 13-111(B) which provides in part

> The Department of Mental Health, the State Department of Health, the Department of Human Services, the State Department of Education, and the State Department of Vocational and Technical Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act a plan for the coordinated delivery of related services to exceptional children with nominal cost to the school district.

The parties to this agreement recognize the legislature intent to establish a unified effort on the part of state government to assist local school districts with their job of providing education to the handicapped children of Oklahoma.

For purposes of this plan, the following definitions shall be applicable:

(1) Exceptional child shall mean a handicapped child as defined in the Education For All Handicapped Children's Act.

Handicapped Children.

(a) As used in this part, the term "handicapped children" means those children evaluated in accordance with §§ 300.530-300.534 as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities, who because of those impairments need special education and related services.

(b) The terms used in this definition are defined as follows:

(1) "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

(2) "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

(3) "Hard of Hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

BEST COPY AVAILABLE

(4) "Mentally Retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

(5) "Multi-handicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

(6) "Orthopedically Impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

(7) "Other Health Impaired" means limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

(8) "Seriously Emotionally Disturbed" is defined as follows:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

(A) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A general pervasive mood of unhappiness or depression; or

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(9) "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself into an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantage.

(10) "Speech Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment which adversely affects a child's educational performance.

(11) "Visually Handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

(20 U.S.C. § 1401 (1), (15))

Related Services shall mean:

(a) As used in this part, the term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(b) The terms used in this definition are defined as follows:

(1) "Audiology" includes:

(i) Identification of children with hearing loss;

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip reading), hearing evaluation, and speech conservation;

BEST COPY AVAILABLE

(iv) Creation and administration of programs for prevention of hearing loss;

(v) Counseling and guidance of pupils, parents, and teachers regarding hearing loss; and

(vi) Determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling Services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early Identification" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) "Medical Services" means services provided by a licensed physician to determine a child's medically related handicapping condition which results in the child's need for special education and related services.

(5) "Occupational Therapy" includes:

(i) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

(ii) Improving ability to perform tasks for independent functioning when functions are impaired or lost; and

(iii) Preventing, through early intervention, initial or further impairment or loss of function.

(6) "Parent Counseling and Training" means assisting parents in understanding the special needs of their child and providing parents with information about child development.

(7) "Physical Therapy" means services provided by a qualified physical therapist.

(8) "Psychological Services" include:

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning.

(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations; and

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents.

(9) "Recreation" includes:

(i) Assessment of leisure function;

(ii) Therapeutic recreation services;

(iii) Recreation programs in schools and community agencies; and

(iv) Leisure education.

(10) "School Health Services" means services provided by a qualified school nurse or other qualified person.

(11) "Social Work Services in Schools" include:

(i) Preparing a social or developmental history on a handicapped child;

(ii) Group and individual counseling with the child and family;

(iii) Working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and

(iv) Mobilizing school and community resources to enable the child to receive maximum benefit from his or her educational program.

(12) "Speech Pathology" includes:

(i) Identification of children with speech or language disorders;

(ii) Diagnosis and appraisal of specific speech or language disorders;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language disorders;

BEST COPY AVAILABLE

(iv) Provision of speech and language services for the habilitation or prevention of communicative disorders; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language disorders.

(13) "Transportation" includes:

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped child.

(20 U.S.C. § 1401(17))

(3) Nominal Cost.

Due to the number of agencies involved in this agreement and the large number of "related services" performed, no specific definition of nominal cost can be ascertained. However, each party to this agreement recognizes that nominal cost generally means the lowest amount that the agency charges for any particular related services performed in the agency.

If the agency utilizes a "fee schedule" in determining charges for its services, then a local school district seeking a "related service" will be charged the lowest amount on the fee schedule.

In addition, if the exceptional child is a ward of the state or in the custody of a state agency, no fee shall be charged back to the public school making the referral for related services.

If an agency in its effort to fulfill statutory duties, contracts with any public or private entity for the provision of "related services" the agency will assure that the contracted services are provided to local school districts at nominal cost.

(4) Each agency made a party to this agreement understands and guarantees that if the agency is required by statute, rule or regulation to provide any service which falls within the definition of "related service" set out above, that service must be provided to local school districts at the lowest cost assessed by the agency.

John M. Folks 5/23/85
John M. Folks, State Superintendent
State Department of Education

John K. Leavitt, Commissioner
Department of Health

Robert Fulton 5/23/85
Robert E. Fulton, Director
Dept. of Human Services

Francis Tuttle, Director
State Dept. of Vo-Tech Education

J. Frank James, Commissioner
Department of Mental Health

J.D. GIDDENS
ASST. SUPERINTENDENT
INSTRUCTION

JACK STRAHORN
ASST. SUPERINTENDENT
STATE FEDERAL

[illegible]
ASST. SUPERINTENDENT
FINANCE

State Department of Education

LESLIE FISHER, Superintendent
LLOYD GRAHAM, Deputy Superintendent
TOM CAMPBELL, Associate Deputy Superintendent
JOHN FOLKS, Associate Deputy Superintendent
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105

January 26, 1983

Richard H. Allen, Area Director
Oklahoma City District Social
Security Administration
200 N.W. 5th
Oklahoma City, OK 73102

Dear Mr. Allen:

Attached is a letter of understanding between your agency and the State Department of Education regarding educational services to handicapped children. This signed agreement is required under Public Law 94-142, Section 300.600(6) of the Education of Handicapped Children Act. The agreement will be submitted as a part of our State plan for Special Education.

Although we currently have signed letters of understanding, there have been legislative changes and agency head changes that would justify an updating of these agreements. In order to meet the timelines necessary to publish our State plan for public comment and allow time for the Governor's review, we would appreciate the return of the signed agreement by February 11, 1983.

If the agreement presented to you is not acceptable or you are unclear about any portion please contact Glenn Haring, Administrative Officer of the Special Education Section, so he may work with you on eliminating any particular problems. Glenn can be reached at 521-3351.

Sincerely,

Leslie Fisher
State Superintendent
Department of Education

mc

BEST COPY AVAILABLE

A MEMORANDUM OF UNDERSTANDING BETWEEN THE OKLAHOMA STATE DEPARTMENT OF EDUCATION AND THE OKLAHOMA CITY DISTRICT SOCIAL SECURITY ADMINISTRATION

The purposes of this Agreement are as follows:

1) To bring about a close and harmonious working relationship between the two agencies who are parties hereto in order that the best interests of handicapped persons who need special services are met.

2) To furnish pertinent information to handicapped individuals who are in need of special services.

3) To utilize the maximum efforts of the two agencies in providing the program needed by each handicapped individual.

4) To assure that all agencies meet the needs of the handicapped as stated in P.L. 94-142.

5) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individual educational plans and maintenance of all confidentiality procedures as related to personally identifiable information.

In order to achieve these purposes and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

1) The Special Education Section, through the Regional Centers, will provide information about Supplemental Security Income benefits to handicapped individuals who may be eligible.

2) The Social Security Administration will upon request provide trainers to conduct training sessions for the staffs of Regional Centers, schools, parent groups, etc. to familiarize those groups with the eligibility criteria for Supplemental Security Income benefits.

3) The Social Security Administration will upon request furnish public information material to schools and centers for their use.

4) Both agencies agree to offer information and technical assistance to the other as requested in efforts to assure full utilization of available resources.

Representatives of the Social Security Administration and the Special Education Section of the State Department of Education will meet periodically throughout the year in order to develop a close working relationship on the mutual problems outlined in this Agreement and to add to and improve their respective contributions to the program of educating the handicapped to the end that the interests of these persons may be better served.

Richard H. Allen

Richard H. Allen, Area Director
Oklahoma City District
Social Security Administration

2/3/82
Date

Leslie Fisher

Leslie R. Fisher
State Superintendent of Public Instruction
State Department of Education

1-27-82
Date

J.D. GIDDENS
ASST. SUPERINTENDENT
INSTRUCTION

JACK STRAHORN
ASST. SUPERINTENDENT
STATE FEDERAL

MURL VENARD
ASST. SUPERINTENDENT
FINANCE

State Department of Education

LESLIE FISHER, Superintendent
LLOYD GRAHAM, Deputy Superintendent
TOM CAMPBELL, Associate Deputy Superintendent
JOHN FOLKS, Associate Deputy Superintendent

2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105

January 26, 1983

Larry Meachum, Director
Department of Corrections
3400 North Eastern
Oklahoma City, OK 73111

Dear Mr. Meachum:

Attached is a letter of understanding between your agency and the State Department of Education regarding educational services to handicapped children. This signed agreement is required under Public Law 94-142, Section 300.600(6) of the Education of Handicapped Children Act. The agreement will be submitted as a part of our State plan for Special Education.

Although we currently have signed letters of understanding, there have been legislative changes and agency head changes that would justify an updating of these agreements. In order to meet the timelines necessary to publish our State plan for public comment and allow time for the Governor's review, we would appreciate the return of the signed agreement by February 11, 1983.

If the agreement presented to you is not acceptable or you are unclear about any portion please contact Glenn Haring, Administrative Officer of the Special Education Section, so he may work with you on eliminating any particular problems. Glenn can be reached at 521-3351.

Sincerely,

Leslie Fisher

Leslie Fisher
State Superintendent
Department of Education

mc

A MEMORANDUM OF UNDERSTANDING
BETWEEN THE OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND THE OKLAHOMA STATE DEPARTMENT OF CORRECTIONS

A cooperative agreement between the State Department of Corrections and the Special Education Section of the State Department of Education (Pursuant to P.L. 94-142, Section 300.2, which states in part) "....The annual program plan is submitted by the SEA on behalf of the state as a whole. Therefore, the provisions of this part apply to all political subdivisions of the State that are involved in the education of handicapped children...."*

The purposes of this Agreement are as follows:

1) To bring about a close and harmonious working relationship between the two agencies who are parties hereto in order that the best interests of handicapped persons who need special services are met.

2) To furnish pertinent information to handicapped individuals who are in need of special services.

3) To utilize the maximum efforts of the two agencies in providing the program needed by each handicapped individual.

4) To assure that all agencies meet the needs of the handicapped as stated in P.L. 94-142, Section 300.4*, including all the services needed as defined in Section 300.13* according to the timelines in 300.122*.

5) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individual educational plans and maintenance of all confidentiality procedures as related to personally identifiable information.

Responsibilities of the Special Education Section of the State Department of Education under this Agreement:

1) The Special Education Section will make available to the State Department of Corrections information regarding handicapped individuals who are in need of modified educational training.

2) Work closely with the State Board Representatives on both State and local levels to the end that education of handicapped children may be kept as closely related as possible to their least restrictive environment.

3) Provide a list of guidance and testing services for persons needing such services.

---

*Sections of Law and Regulations attached

4) Assist in establishing and evaluating programs of special education for the handicapped and be responsible for the general supervision of all educational programs for the handicapped as required by Section 612(6) of P.L. 94-142 or Section 300.600 of the regulations.

Responsibilities of the State Department of Corrections under this Agreement

1) The State Department of Corrections will follow the same procedure with handicapped students served with funds provided by State and Federal sources for the education of handicapped children and youth as all other agencies providing services for the handicapped.

2) The State Department of Corrections will actively seek information and consult with personnel of the Special Education Section relative to educational needs of the Handicapped.

3) The State Department of Corrections will furnish to the Special Education Section, through the school(s) providing services, the numbers of handicapped individuals receiving services and other data as requested.

4) Provide information in regard to evaluation of special education programs for the handicapped. This shall include data on the progress of the individual student.

General

Representatives of the State Department of Corrections and the Special Education Section of the State Department of Education will meet periodically throughout the year in order to develop a close working relationship on the mutual problems outlined in this Agreement and to add to and improve their respective contributions to the program of educating the handicapped to the end that the interests of these persons may be better served.

Larry Meachum
Director
Department of Corrections

2-6-83
Date

Leslie Fisher
State Superintendent of Public Instruction
Department of Education

1-27-83
Date

BEST COPY AVAILABLE

LETTER OF AGREEMENT
BETWEEN THE
SPECIAL EDUCATION SECTION
OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND THE
OKLAHOMA HEAD START PROGRAMS

The purposes of this agreement are as follows:

(1) To bring about a close and harmonious working relationship between the two agencies who are parties hereto in order that the best interests of handicapped persons who need special services are met.

(2) To furnish pertinent information to handicapped individuals who are in need of special services.

(3) To utilize the maximum efforts of the two agencies in providing the program needed by each handicapped individual.

(4) To assure that all agencies meet the needs of the handicapped as stated in P. L. 94-142.

(5) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the joint team development of individual pupil educational plans and maintainence of all confidentiality procedures as related to personally identifiable information. Both parties of this agreement shall be stipulated in any parent release forms with both agencies retaining a copy of said forms.

In order to achieve these purposes and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The SEA and Head Start will jointly develop strategies which will maximize resources available through all agencies who serve handicapped children who are eligible for Head Start services. The service providers will be explored to improve the quality and quantity of services. The SEA and OCD will disseminate the agreed upon policies and procedures to the LEA's and Head Start programs.

(2) The Special Education Section in collaboration with Head Start will establish procedures for referral, confidential reporting and child count in accordance with P. L. 94-142 and GEPA Family Rights and Privacy Act.

Whenever parents, Head Start staff or other agencies and groups identify children as being handicapped, Head Start programs and LEA's must be ensured that the initial identification is confirmed by professionals trained in assessing handicapping conditions (e.g. licensed physicians, psychologists, multidisciplinary diagnostic teams or others with special training in this area.)

BEST COPY AVAILABLE

The usual Head Start priority requirements for admitting children are:

(A) Children within poverty guidelines and handicapped. Four year olds meeting this critera usually have priority.

(B) Children under the poverty guidelines.

(C) Handicapped and over income.

(D) Over income.

Head Start Grantee will report handicapped children and the anticipated length of time that service can be provided in Head Start Centers, to the LEA's and Regional Service Centers in accordance with the Family Rights and Family [illegible]

In turn, the LEA may refer identified handicapped children to Head Start [illegible] potential placement based upon the recommendation of the professional who diagnosed the condition.

At the point that Head Start is considered as a placement site, preliminary discussion will be initiated with Head Start personnel. If it is determined the Head Start program will be able to serve the child, Head Start personnel participation in the IEP placement team meeting will be necessary.

(3) Regional Education Service Centers, under the administration of the SEA, will assist in the interchange of information to coordinate service delivery between the two agencies in compliance with P. L. 94-142 and Oklahoma S.B. [illegible]

(4) The SEA will distribute information on the procedural safeguards of P. L. [illegible] to the Head Start grantees through the DECA's Head Start T/TA component. [illegible] cap consortium coordinators will help develop a joint procedure for the [illegible] ing of the individualized education programs in accordance with the S.D.E. [illegible] ards, Head Start regulations and the standards which P. L. 94-142 requires [illegible] identify, implement and assess the program for handicapped children.

The assessment and the recommendation of the diagnostic teams or [illegible] special training in this area must play an essential role in the formation of the program services and options for the handicapped child.

(5) The LEA's, RESC, ACYF and SEA will provide technical assistance for program development and will utilize technical assistance of the Resource Access Projects, BEH and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(6) The SEA will collaborate with the technical assistance director for Head Start, Handicap Consortium Coordinator and RAP training staff for joint staff development and parent involvement.

(7) Head Start and SEA will work to maximize resources available through other agencies including Title XIX and EPSDT in accordance with Federal Guidelines. Efforts will be expended to eliminate duplication of effort.

(8) Records, with parental permission, will be transferred. Any destruction of the record must be in accordance with the Family Rights and Privacy Act after consulting with the parents and informing them of their potential value for future services.

The basis of this agreement is in accordance with state and federal rules regarding Head Start programs and SEA compliance with P. L. 94-142.

Sherwood Washington, Director
Division of Economic Opportunity

Leslie Fisher
State Superintendent of Public Inst

Faye Campbell, Director
Head Start Training and Technical Assistance

Date: April 26, 1979

COOPERATIVE AGREEMENT
BETWEEN THE
OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND
OKLAHOMA INDIAN HEAD START GRANTEES

CHICKASAW NATION
Tribal Name

Received Special Education
MAY 29 1985
State Dept. of Education

BEST COPY AVAILABLE

The purposes of this agreement are as follows:

(1) To assure a working relationship between the two parties involved in the provision of special education services of handicapped Indian children.

(2) To assure that both agencies meet the needs of the handicapped as stated in P.L. 94-142 and Oklahoma Statutes.

(3) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individualized education programs and maintenance of all confidentiality procedures.

In order to achieve these assurances and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The Special Education Section in collaboration with Indian Head Start grantees will establish procedures for referral, confidential reporting, child count and subsequent service deliveries in accordance with P.L. 94-142 and Family Educational Rights and Privacy Act.

(2) The SEA and Indian Head Start grantees will jointly develop strategies which will maximize available resources through all agencies who serve handicapped children eligible for Head Start. The SEA will disseminate this information to Local Education Agencies as appropriate.

(3) The SEA will distribute information on procedural safeguards of P.L. 94-142 to the Head Start grantees and will develop a joint procedure for the monitoring of the individualized education programs in accordance with the monitoring procedures of the State Plan for Special Education in Oklahoma.

(4) Indian Head Start grantees and SEA will provide technical assistance for program development and will utilize technical assistance of the Indian Resource Access Projects, SEA and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(5) Indian Head Start grantees and SEA will collaborate with representatives of other agencies as appropriate.

(6) The existing procedures will be periodically evaluated by SEA and Indian Head Start grantees for maximum effectiveness.

John M. Folks

John M. Folks
State Superintendent

Tribal Leader

COOPERATIVE AGREEMENT
BETWEEN THE
OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND
OKLAHOMA INDIAN HEAD START GRANTEES

CREEK NATION

Tribal Name

[illegible] Special Education

MAY 28 1985

State Dept. of Education

BEST COPY AVAILABLE

The purposes of this agreement are as follows:

(1) To assure a working relationship between the two parties involved in the provision of special education services of handicapped Indian children.

(2) To assure that both agencies meet the needs of the handicapped as stated in P.L. 94-142 and Oklahoma Statutes.

(3) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individualized education programs and maintenance of all confidentiality procedures.

In order to achieve these assurances and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The Special Education Section in collaboration with Indian Head Start grantees will establish procedures for referral, confidential reporting, child count and subsequent service deliveries in accordance with P.L. 94-142 and Family Educational Rights and Privacy Act.

(2) The SEA and Indian Head Start grantees will jointly develop strategies which will maximize available resources through all agencies who serve handicapped children eligible for Head Start. The SEA will disseminate this information to Local Education Agencies as appropriate.

(3) The SEA will distribute information on procedural safeguards of P.L. 94-142 to the Head Start grantees and will develop a joint procedure for the monitoring of the individualized education programs in accordance with the monitoring procedures of the State Plan for Special Education in Oklahoma.

(4) Indian Head Start grantees and SEA will provide technical assistance for program development and will utilize technical assistance of the Indian Resource Access Projects, SEA and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(5) Indian Head Start grantees and SEA will collaborate with representatives of other agencies as appropriate.

(6) The existing procedures will be periodically evaluated by SEA and Indian Head Start grantees for maximum effectiveness.

John M. Folks

John M. Folks
State Superintendent

Tribal Leader

Janet Lee, Head [illegible]

TRIBAL LIAISON

INFORMATION REPORT

Tribe: Creek

Principal Officer: Janet Lee

Address: PO Box 580, Okmulgee, Ok

Telephone: 918-756-8700 [illegible]

Number of Head Start Centers: 3

Location of Head Start Center and Head Start Center Director

Eufaula	Name: Raylene Stafford
Number of children served through	Address: 500 Forrest Ave, Eufaula
this center: 67	Telephone: 918-689-5613
Yeager	Name: Jane McKane
Number of children served through	Address: Rt 1 Box 308, [illegible]
this center: 66	Telephone: 405-379-[illegible]
Sapulpa	Name: Vicki Haug
Number of children served through	Address: 520 S. Adams, Sapulpa
this center: 36	Telephone: 918-227-4931
____	Name: ____
Number of children served through	Address: ____
this center: ____	Telephone: ____

Tribal Agreement with Oklahoma State Department of Education? Yes ___ No ___

Facilitator: Pete Beaver Indian Education Section SDE

BEST COPY AVAILABLE

COOPERATIVE AGREEMENT
BETWEEN THE
OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND
OKLAHOMA INDIAN HEAD START GRANTEES

CHEROKEE NATION
Tribal Name

Received Special Education

MAY 29 1985

State Dept. of Education

BEST COPY AVAILABLE

The purposes of this agreement are as follows:

(1) To assure a working relationship between the two parties involved in the provision of special education services of handicapped Indian children.

(2) To assure that both agencies meet the needs of the handicapped as stated in P.L. 94-142 and Oklahoma Statutes.

(3) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individualized education programs and maintenance of all confidentiality procedures.

In order to achieve these assurances and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The Special Education Section in collaboration with Indian Head Start grantees will establish procedures for referral, confidential reporting, child count and subsequent service deliveries in accordance with P.L. 94-142 and Family Educational Rights and Privacy Act.

(2) The SEA and Indian Head Start grantees will jointly develop strategies which will maximize available resources through all agencies who serve handicapped children eligible for Head Start. The SEA will disseminate this information to Local Education Agencies as appropriate.

(3) The SEA will distribute information on procedural safeguards of P.L. 94-142 to the Head Start grantees and will develop a joint procedure for the monitoring of the individualized education programs in accordance with the monitoring procedures of the State Plan for Special Education in Oklahoma.

(4) Indian Head Start grantees and SEA will provide technical assistance for program development and will utilize technical assistance of the Indian Resource Access Projects, SEA and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(5) Indian Head Start grantees and SEA will collaborate with representatives of other agencies as appropriate.

(6) The existing procedures will be periodically evaluated by SEA and Indian Head Start grantees for maximum effectiveness.

John M. Folks

John M. Folks
State Superintendent

Tribal Leader

COOPERATIVE AGREEMENT

BETWEEN THE

OKLAHOMA STATE DEPARTMENT OF EDUCATION

AND

OKLAHOMA INDIAN HEAD START GRANTEES

CHOCTAW NATION
Tribal Name

BEST COPY AVAILABLE

The purposes of this agreement are as follows:

(1) To assure a working relationship between the two parties involved in the provision of special education services of handicapped Indian children.

(2) To assure that both agencies meet the needs of the handicapped as stated in P.L. 94-142 and Oklahoma Statutes.

(3) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individualized education programs and maintenance of all confidentiality procedures.

In order to achieve these assurances and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The Special Education Section in collaboration with Indian Head Start grantees will establish procedures for referral, confidential reporting, child count and subsequent service deliveries in accordance with P.L. 94-142 and Family Educational Rights and Privacy Act.

(2) The SEA and Indian Head Start grantees will jointly develop strategies which will maximize available resources through all agencies who serve handicapped children eligible for Head Start. The SEA will disseminate this information to Local Education Agencies as appropriate.

(3) The SEA will distribute information on procedural safeguards of P.L. 94-142 to the Head Start grantees and will develop a joint procedure for the monitoring of the individualized education programs in accordance with the monitoring procedures of the State Plan for Special Education in Oklahoma.

(4) Indian Head Start grantees and SEA will provide technical assistance for program development and will utilize technical assistance of the Indian Resource Access Projects, SEA and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(5) Indian Head Start grantees and SEA will collaborate with representatives of other agencies as appropriate.

(6) The existing procedures will be periodically evaluated by SEA and Indian Head Start grantees for maximum effectiveness.

John M. Folks

John M. Folks
State Superintendent

Tribal Leader

TRIBAL LIAISON

INFORMATION REPORT

Tribe: CHOCTAW NATION
Page 1 of 2

Principal Officer: HOLLIS E. ROBERTS, CHIEF
Address: Drawer 1210 Durant, Ok 74701
Telephone: 405/924-8280 Contact Persons
Nancy Belvin, Director

Number of Head Start Centers: 8

Location of Head Start Center and Head Start Center Director

Antlers, Oklahoma
Number of children served through this center: 20

Name: Choctaw Nation Head Start Teacher,
Address: P.O. Box 97 Antlers, Ok 74523
Telephone: 405-298-2113

Bennington, Ok
Number of children served through this center: 15

Name: Betty Trammell, Teacher
Address: P.O. Box 174 Bennington, Ok
Telephone: 405/ 847-2767

Bethel, Ok
Number of children served through this center: 20

Name: Rosalie Parnell, Teacher
Address: P.O. Box 98
Telephone: 405/ 241-7781

Broken Bow
Number of children served through this center: 31

Name: Kathleen Gallegos, Teacher
Address: P.O. Box 747 Broken Bow, Ok
Telephone: 405/ 584-6680

Tribal Agreement with Oklahoma State Department of Education? Yes X No___

Facilitator: Nancy Belvin, Head Start Program Director
Myrtle Cusher, " " " Assistant Director
Chryl Burnett, " " " Education Coordinator

BEST COPY AVAILABLE

TRIBAL LIAISON

INFORMATION REPORT

Tribe: CHOCTAW NATION
Page 2 of 2

Principal Officer: HOLLIS E. ROBERTS, CHIEF
Address: Drawer 1210 Durant, Ok 74701
Telephone: (405) 924-8280 Contact Person:
Nancy Belvin, D

Number of Head Start Centers: 8

Location of Head Start Center and Head Start Center Director

Durant, Ok
Number of children served through this center: 32

Name: Cora Jane Collins, Teacher
Address: P.O. Box 1210 Durant, [illegible]
Telephone: (405) 924-8536

Idabel, Ok
Number of children served through this center: 31

Name: Anita Navarro, Teacher
Address: P.O. Box 1436
Telephone: (405) 286-7930

Mc Alester, Ok
Number of children served through this center: 31

Name: Kathey Sloan, Teacher
Address: Rt. 5 Box 582 McAlester, Ok 7
Telephone: (918) 423-9260

Wright City, Ok
Number of children served through this center: 30

Name: Phyliss Tumbleson, Teacher
Address: P.O. Box 529
Telephone: (405) 981-2636

Tribal Agreement with Oklahoma State Department of Education? Yes X No ___

Facilitator: Nancy Belvin, Head Start Director
Myrtle Cusher, Assistant Director
Chryl Burnett, Education Coordinator

DUE PROCESS IN SPECIAL EDUCATION

GUIDELINES
For
Parents and School Administrators

OKLAHOMA STATE DEPARTMENT OF EDUCATION
Gerald E. Hoeltzel, State Superintendent of Public Instruction

DUE PROCESS PROCEDURES

Oklahoma State Department of Education
Special Education Services

A GUIDE FOR PARENTS AND SCHOOL ADMINISTRATORS

The Oklahoma State Department of Education, in compliance with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, handicap, or status as a veteran in any of its policies, practices or procedures. This includes but is not limited to admission, employment, financial aid, educational and counseling services.

Final Adoption
by the
State Board of Education
August 24, 1978

First Revision--May 24, 1979
Second Revision--February 25, 1982
Third Revision--March 30, 1983
Fourth Revision--April 26, 1990

TABLE OF CONTENTS

Page

Introduction

Section

I. Who May Request a Hearing and for What Purpose 2

II. How to Request a Due Process Hearing 2

III. Pre-Hearing Procedures
Responsibilities of School, Parent,
State Department of Education and the Hearing Officer 2

IV. Mediation 7

V. Extension of Time 8

VI. Nonappearance 8

VII. Guidelines for Setting Up the Due Process Hearing 9

VIII. Formal Due Process Hearing 11

IX. Financial Responsibility 14

X. Due Process Hearing Decision Appeal 16

Appendix

A. Excerpts from P.L. 94-142--*Code of Federal Regulations*

B. Checklist

C. Forms

D. Training Standards for Hearing and Appeal Officers

DUE PROCESS PROCEDURES

INTRODUCTION

Under the authority of the Education for All Handicapped Children Act of 1975, P.L. 94-142, and 70 O.S. Supp. 1978, Section 3-104, and the Oklahoma Administrative Procedures Act, 75 O.S. 1971, Section 301 et seq., the Oklahoma State Department of Education, in keeping with the constitutional rights and privileges accorded its citizens, does hereby establish the following policies and procedures to guarantee due process protection to children and their parents in regard to the identification, evaluation and appropriate educational placement of children.

These policies and procedures in addition to the requirement of P.L. 94-142 and 75 O.S. 1971, Sections 301 et seq., shall be used by local educational agencies, parents and the state approved hearing and appeal officers in fulfilling their duties and responsibilities concerning the education of children.

I. WHO MAY REQUEST A DUE PROCESS HEARING AND FOR WHAT PURPOSE

A. A due process hearing may be requested by the *local education agency* (the school) or the *parents* of a handicapped or purported to be handicapped child when a disagreement cannot be solved by informal parent conference or mediation.

B. These disagreements would concern proposal or refusal to initiate or change the *identification, evaluation, educational placement* of the child or the provision of a *free appropriate public education* to the child.

II. HOW TO REQUEST A DUE PROCESS HEARING

A. A request for a due process hearing may be initiated in the following manner:

1. If the parents, (as defined at 34 CFR 300.10), request a due process hearing, they must present a signed written request for a hearing to the local school administrator stating the child's name, date of birth, current grade or class placement, and give the specific reason(s) for challenging the identification, evaluation, placement or appropriateness of the education of the child in question. *At the same time a copy of this request must be mailed to the State Department of Education, Special Education Services, 2500 North Lincoln Boulevard, Oklahoma City Oklahoma 73105-4599, for assignment of the hearing officer.*

2. If the local education agency requests the due process hearing, it must present a signed written request for a hearing to the parents, (as defined at 34 CFR 300.10), stating the child's name, date of birth, current grade or class placement, and give the specific reason(s) for challenging the identification, evaluation, placement or appropriateness of the education of the child in question. This request shall be written in the primary language of the home. *At the same time a copy of this request must be mailed to the State Department of Education, Special Education Services, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599 for assignment of the hearing officer.*

B. It is strongly recommended that all correspondence be certified mail, return receipt requested, to provide documentation.

C. The timelines concerning a due process hearing will begin when a signed written request is received by the State Department of Education, Special Education Services, from either the parent or the local education agency.

III. PRE-HEARING PROCEDURES

A. Local Education Agency (School) Responsibility

1. Correspondence To Parents

a. Rights

Detailed description of all the rights and procedural safeguards (Form 1--Due Process Hearing).

b. Independent Evaluation

List of agencies which can provide an independent evaluation of the child's educational needs if desired by the parents. *(34 CFR 300.503)*

> "A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a hearing under (*34 CFR 300.506*) to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense.

c. Legal Counsel

There are agencies in some areas from which legal counsel may be obtained for those unable to pay. (These would primarily be legal aid societies within the community.) However, legal representation is not a requirement for a hearing.

d. Access to Records

The parents or their representative, upon request, shall have the right and shall be given the opportunity, at any reasonable time, to inspect and review all education records regarding the identification, evaluation, education placement or the provision of a free appropriate public education of the handicapped child. The school may charge a reasonable fee for copies of such records, if the fee does not effectively prevent the parents from exercising their right to inspect and review such records.

e. Evidence and Witnesses

The parties shall have the opportunity to present evidence and confront, cross-examine, and compel the attendance of witnesses. The parent shall pay the expense of any witness asked to testify at the hearing by the parent other than officers, employees or agents of the local or state education agency.

f. Status of Child During Procedures

During the pendency of the hearing the child will remain in his/her present educational placement until the final due process hearing and appeal decision has been issued (except in emergency situations where the safety or health of the child or of other persons would be endangered by continuing the present placement). Educational placement may be changed by agreement of *both* parties (parent/local education agency).

g. Notification

The parties to the hearing will be notified (by the Department of Education at least ten calendar days prior to the hearing) of the identity of the hearing officer, and of the date and time of the hearing.

h. Timelines

A decision by an appointed, qualified hearing officer shall be issued within 45 days from the date when the signed written request is received by the State Department of Education, Special Education Services, unless this timeline is

310

extended by the assigned hearing officer in accordance with the regulations of the Education of the Handicapped Act (EHA) appearing at 34 CFR 300. 512(c).

i. Communication with Hearing Officers

Communication with the appointed hearing officer by either party without the presence of the other party is prohibited. If any communication is necessary to the hearing, such communication shall be reduced to writing and copies thereof shall be mailed to all involved parties including the State Department of Education (SDE).

2. Mediation

It is recommended that, upon receipt of the initial hearing request, the local education agency attempt to resolve the disagreement by informal conference and/or mediation, if agreeable to all parties. (Note: See Section IV, Mediation.) If resolution of the problem occurs at this time, a signed cancellation must be sent to the State Department of Education, Special Education Services. The person(s) requesting the hearing must sign to cancel the hearing (Form 2).

3. Postponement

After the parties receive notification of a hearing officer's identity, any request for postponement, made in writing, will be directed to the hearing officer. The hearing officer will make all decisions regarding postponement of a hearing. The State Department of Education will only take action regarding a request for postponement during the pendency of hearing officer assignment. In the interim condition that no hearing officer is assigned, the State Department of Education will take action regarding a request for postponement agreeable to both parties and in writing only when extreme circumstances beyond the control of either party make such postponement immediately necessary.

In no case will a postponement granted by the State Department of Education impede a hearing officer's ability to render a decision within the timelines stated in Section 300.512 (a).

4. Other School Responsibilities

a. Exchange with the parents, or their representative, no later than five calendar days before the hearing the following:

   (1) Copies of all evidence.
   (2) A list of witnesses who may be called to testify.
   (3) No evidence or witnesses may be presented at the hearing unless the five day prior notice has been followed.

b. Provide a surrogate parent to represent a child, when required. When the child is represented by a surrogate parent, such information concerning the surrogate parent shall be introduced into the record of the hearing by the local education agency (LEA) including information leading to the assignment and appointment of the child's particular surrogate parent.

c. Determine and ensure SDE notification if an interpreter will be needed. (For hearing impaired or native language.)

311

d. Provide the appearance of appropriate school personnel for testimony at the hearing as determined by the LEA or requested by the parents at no cost to the parents.

e. Provide evidence and testimony at the hearing to substantiate the position of the school district.

f. Assure that the hearing location is in readiness, accessible and that it is reasonably convenient to the parent and child involved, and that all parties and the hearing officer are notified regarding location of the hearing.

g. Contact the SDE, Special Education Services regarding recording and transcription of the hearings.

h. Follow proper timelines (See LEA Checklist)

(1) Notify SDE upon receipt of request of due process hearing by either party.

(2) Be aware the beginning date of the procedure is when the SDE receives request.

(3) Upon receipt of request for records by parents/representative; send copies within ten calendar days.

(4) Make mediation attempt as soon as possible if agreeable to all parties.

(5) Submit evidence and list of witnesses at least five days before the hearing, to the parents, or their representative.

(6) If it is necessary to subpoena witnesses and/or records, the request and/or subpoenas must be received by the hearing officer at least ten days prior to the hearing. Contact the hearing officer or SDE for further information.

(7) Upon appointment of the hearing officer by the SDE make any challenge concerning the impartiality of the hearing officer in writing immediately to the State Department of Education, Special Education Services.

(a) If the SDE finds that the reasons for questioning of impartiality are valid, a new hearing officer will be appointed.

(b) If the SDE determines that the hearing officer is impartial, no new hearing officer is appointed.

(c) At the hearing, the hearing officer cannot be challenged or removed; however, any objections may be entered into the hearing record.

B. Parents/Representative Responsibility

1. Parents are encouraged to participate in the parent conference and/or mediation with the local education agency. (Note: See Section IV, Mediation.) If resolution of the problem occurs at this time, a signed cancellation must be sent to the State Department of Education. The person(s) requesting the hearing must sign to cancel the hearing (Form 2).

2. Parents must continue to send the child to school in compliance with the compulsory attendance law.

3. Exchange with local education agency five calendar days before the hearing the following:

   (a) Copies of all evidence.

   (b) A list of witnesses who may be called to testify. Parents must list *all* witnesses including local school personnel that they want to testify. Even if that witness appears on the other party's list, all witnesses for each party must be listed.

   (c) No evidence or witnesses may be presented at the hearing unless the five day prior notice has been followed.

4. Notify the school if an interpreter (deaf or native language) is needed, at least ten days prior to the hearing.

5. Decide if the hearing will be an open or closed hearing. Since a hearing will involve confidential information, only the parent(s) can make this decision. The parent must sign a written statement requesting an open hearing (Form 4). The parent may decide whether the child in question attends the hearing. Without a signed consent all hearings will be closed.

6. If it is necessary to subpoena witnesses and/or records, the request and/or subpoenas must be received by the hearing officer at least ten days prior to the hearing.

7. Upon appointment of the hearing officer by the SDE, make any challenge concerning the impartiality of the hearing officer in writing immediately to the State Department of Education, Special Education Services.

   (a) If the SDE finds that the reasons for questioning of impartiality are valid, a new hearing officer will be appointed.

   (b) If the SDE determines the hearing officer is impartial, no new hearing officer is appointed.

   (c) At the hearing, the hearing officer cannot be challenged or removed; however, any objections may be entered into the hearing record.

C. State Department of Education, Special Education Services Responsibility

1. Upon receipt of a request for a due process hearing, the SDE will notify both parties of:

   a. A date and time for the hearing.

   b. The identification of the hearing officer at least ten calendar days prior to the hearing. Any challenge concerning the impartiality of the hearing officer must be made immediately by either party. Ensure that the hearing officer assigned to a particular hearing is impartial. Any party to a due process hearing may challenge the assignment of a particular hearing officer in writing. Upon a showing that the appointed hearing officer is biased or other good cause, a new hearing officer will be assigned.

2. Provide, at public expense, appropriate SDE personnel for evidence and testimony as requested by the LEA or parents.

3. Provide a list of interpreters for the deaf or interpreters fluent in the primary language spoken in the child's home, if requested.

4. Upon written request, provide trained SDE personnel to act for mediation and/or consultation.

D. Hearing Officer Responsibility

1. Compel attendance of witnesses and/or copies of records. The hearing officer will issue any subpoenas needed. Subpoenas will be issued to those witnesses and/or for records that have direct relationship to the case. The hearing officer has the right to question the relevancy of the request(s) for subpoenas.

2. Require the furnishing of information and the production of books, records, papers or other evidence that may be necessary and proper for the hearing upon request of either party.

3. Accept depositions, if requested.

4. If there is disagreement concerning a postponement the assigned hearing officer will make the decision. All requests for postponement must be in writing and be received by the hearing officer at least five calendar days before the hearing.

5. Will not correspond with either party without the knowledge of the other party. If communication is necessary to the hearing, such communication shall be reduced to writing and copies mailed to all involved parties, including the SDE, Special Education Services.

6. Grant extension of time (see Section V). All hearings will be scheduled during the regular working hours in effect for the Department of Education (8:00 a.m. - 4:30 p.m., Monday - Friday). In accordance with 34 CFR 300.512 (d), any request for scheduling a hearing other than during these regular working hours must be in writing and be received by the assigned hearing officer at least five (5) calendar days prior to the hearing. This written request must include justification as to why the scheduling of the hearing during regular working hours would not be reasonably convenient to the party affected. The hearing officer assigned shall reserve the right to request additional corroborating evidence, as deemed necessary, before ruling on such a request. The hearing officer assigned will have final authority with respect to any rescheduling of the hearing.

IV. MEDIATION

A. The Oklahoma State Department of Education does hereby seek to resolve disputes between parents and educators concerning the education of a handicapped, or purported to be handicapped, child through mediation.

B. The Comment to 34 CFR 300.506, the federal regulations to P.L. 94-142, provides the following:

> "Many states have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation

is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State educational agencies or local educational agency personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's right under this subpart."

C. Mediation may be requested by either party but must be attended by both parties. The parties involved may or may not have representatives at the mediation; however, those persons attending should be in a position of authority to make decisions.

D. The mediator must be a "third party" person who is impartial. Although the mediator is not in a position to make any decisions, neutrality is imperative to conduct the mediation fairly. Trained mediators may be requested from the State Department of Education, Special Education Services.

E. Either party may refuse to participate in a conference and/or mediation without prejudice to any procedural safeguard afforded under this manual or any applicable state or federal law. Also, the mediation meeting does not alter the required timelines.

V. EXTENSION OF TIME

There can be delays in the 45 day time line if the following regulations are followed:

A. A request for postponement is made in writing and in the hearing officer's possession at lease five calendar days prior to the hearing date.

B. There are valid reasons such as:

  1. Need for additional time to secure new evidence.

  2. Conflicting schedules of either or both parties.

  3. Justifiable circumstances beyond control.

C. If either party is in disagreement concerning the postponement, the assigned hearing officer will make the decision.

D. After the hearing has been convened, any continuation or delay will be at the discretion of the hearing officer. If possible, the date for reconvening will be set before the hearing is adjourned and put into the record.

VI. NONAPPEARANCE

In the event that one of the parties is not present at the hearing, and as long as notification procedures have been adhered to, the hearing may proceed. Proof shall be entered into the record that the absent party had proper and required notice of the hearing. The hearing officer should then make the decision, based upon the evidence presented; but may decide to reconvene the hearing, if necessary.

VII. GUIDELINES FOR SETTING UP THE DUE PROCESS HEARING

A. The hearing officer's responsibility is to maintain a professional atmosphere and to insure that the proceedings are not abused so that each party may present his evidence and testimony in a fair and impartial manner. The hearing officer has the authority for complete control of the hearing.

B. Setting: The hearing shall provide both parties with the opportunity to be heard, to present their evidence and testimony and to confront and cross-examine witnesses.

1. The hearing room should be of an appropriate size to accommodate all members of both parties and accessible to handicapped. In the case of an open hearing the room must be large enough to provide adequate seating for the public.

2. An accessible second room must be available for the sequestering of the witnesses.

3. In order to conduct the hearing in a productive atmosphere consideration should be given to appropriate seating, table space to accommodate the hearing officer and both parties (three tables preferred), noise control, temperature, etc.

4. Since all hearings are transcribed, the setting must be conducive to proper transcription. Advice concerning this may be obtained from the SDE, Special Education Services.

C. Witnesses

1. All witnesses shall be sequestered in open and closed hearings at all times. After testimony witnesses may be excused by the hearing officers to leave if both parties agree that no further testimony is needed.

2. In certain instances, the party or their representatives may wish to investigate a witness's background to obtain information regarding credentials, qualifications and training. The hearing officer will need to determine whether or not the background information is necessary to bring into testimony. In most cases, the determination that the teacher is certified to serve his/her position by the State of Oklahoma is sufficient. The hearing officer will need to keep the focus on the appropriateness of education for the child and may curtail interrogation which is not designed toward that goal.

3. A hearing may be rescheduled, when necessary, upon a showing by any party that a necessary witness is unable to attend at the scheduled time due to uncontrollable circumstances.

4. Each party must list all witnesses they may use.

   a. The LEA will list the LEA personnel.

   b. There may be duplication. Each party must list the witness on their list even if that person is on the other party's list.

c. No witnesses will be allowed who are not on the lists. However, if both parties agree to having a witness who is not on either list, the hearing officer may rule to accept such a witness.

5. The LEA will make the arrangement for LEA personnel to be witnesses (those persons on the LEA's and parent's lists).

6. Parent's witnesses, other than LEA personnel, will be notified by the parent.

D. Evidence

1. Reports submitted by the parent not based on factual data but simply a statement of the child's behavior can be accepted as evidence. Evidence given by parents, nonprofessionals, and others associated with the child may be considered.

2. Copies of all written reports used as evidence must be submitted to the hearing officer and will become a part of the record.

3. Exhibits--any document to be placed in evidence should be marked by the hearing officer essentially as follows:

   "School District Exhibit I: 7-15-74 (hearing officer's initials)" or

   Parent Exhibit A: 7-15-74 (hearing officer's initials)

4. If information obtained from a taped recording is to be submitted as evidence, it must be in the form of a typed transcript.

5. Questions concerning the evidence should pertain only to the document itself and its admissibility. Objections may be offered to its admissibility, after which the hearing officer should state whether the document is received in evidence or rejected and why.

6. The strict rules of evidence are not applicable to due process hearings. Any evidence deemed of probative value may be considered by the hearing officer during the course of the hearing.

E. Who May Attend

The hearing officer shall exclude all persons from the hearing other than the parties, counselors of the parties, SDE representative, witnesses (who will be sequestered), hearing officer "trainees," and persons in attendance to record the hearing, unless the hearing is open to the public.

F. Conference: Pre-Hearing

The purpose of the pre-hearing conference is to expedite the due process hearing.

On the day of the hearing upon arrival of both parties, the hearing officer will meet with the parties' representatives to:

1. Identify representatives;

2. Clarify the purpose of the hearing;

3. Determine if procedural safeguards have been followed;

317

4. Establish hearing protocol;
5. Query parties regarding preliminary problems, objections or questions;
6. Discuss possible submission of briefs;
7. Discuss other issues of special concern.

At the end of this conference, the due process hearing shall be convened.

VIII. FORMAL DUE PROCESS HEARING

A. Authority

Due process includes a set of procedures to insure that the civil rights assured by P.L. 94-142 and Section 504 of P.L. 93-516 are not denied. A part of this process is the convening of a meeting of the parties and their representatives.

The purpose of the meeting is to obtain all possible information relative to the issue which created the impasse between the local education agency and parents.

The due process hearing is an administrative procedure, not a court of law. The guidelines in P.L. 94-142 and Section 504 of P.L. 93-516 are not definitive or extensive and leave the development of administrative law and procedure for these hearings to the individual states. It must be noted that the development of procedures for implementing Section 300.501 of P.L. 94-142 is left to the State Department of Education under its authority in State Law (See Article III, Section 34, School Laws of Oklahoma 1986).

The hearing officer's authority is provided for in the Oklahoma State Plan as amended under Part B of the Education of the Handicapped Act P.L. 93-380, P.L. 94-142 and Oklahoma Administrative Procedures Act, 75 O.S. 1971, Section 301, et seq.

It must be clearly understood by both parties, local education agency/parent, and their representatives that the hearing officer has the authority and the control of the hearing at all times.

B. Procedures

1. Convening the hearing by the hearing officer (official recording begins)
    a. The opening statement by the hearing officer shall include:
        (1) Self-introduction, function, role and authority;
        (2) Establishing whether hearing is open or closed;
        (3) Introduction of persons representing each party (name, position, address);
        (4) Statement regarding the confidentiality of the proceedings;
        (5) Reason for hearing;
        (6) Preliminary problems, objectives or questions (as may have been determined by pre-hearing conference);

.318

(7) Ground rules: The hearing officer must assure both parties that they will each have an opportunity to fully present their positions, documentary evidence and/or testimony which is relevant but not overly repetitive or redundant;

(8) Questions concerning due process compliance:

(a) All procedural safeguards have been complied with, or
(b) Specific areas of noncompliance are read into the record; and

(9) Establish that both parties have exchanged the evidence at least five days before the hearing. At this time, objections will be heard and ruled on.

b. Submission of evidence by both parties.

2. Opening Statements by the Parties

a. The representative of the complaining party (the party requesting the hearing) shall present its position in a brief oral statement.

b. The representative of the responding party shall present its position in a brief oral statement.

c. These statements are not considered to be evidence or testimony and shall not be considered in the decision making process.

d. No objections may be made by either party during opening statements.

3. Examination and Cross-examination

a. (1) Give name, address and relationship to the case and

(2) Answer this question: "Do you affirm that your statements are true to the best of your knowledge?" This question is asked by the hearing officer before witness testifies.

b. The complaining party (local education agency or parent) shall present its case first and the responding party (local education agency or parent) shall then present its case. Following direct examination, each witness shall be subject to cross-examination. Cross-examination should be concerned with the evidence presented in direct testimony. However, since the paramount interest of the child is the major intent of the hearing, cross-examination may explore areas not given under direct testimony. However, the hearing officer shall reserve the right to limit interrogatories that appear not to be relevant to the issue at hand.

c. Following presentation of the complaining party's case, the responding party shall then be given an opportunity to present evidence and testimony.

d. If it appears to the hearing officer that, during the presentation of a specific witness, sufficient clarity was not obtained concerning the presented issue, then the hearing officer shall have the right to pursue examination of the witnesses.

e. In addition, following direct testimony and cross-examination, either party shall have the right to redirect and recross examination. However, this practice will be curtailed by the hearing officer whenever deemed necessary.

f. The hearing officer will query both parties as to whether or not they wish to present further documentary evidence or testimony.

g. If the hearing officer does not think sufficient evaluation and/or evidence is available to make a decision, then the hearing officer may order the child to be further evaluated at the expense of the local education agency. The hearing will be reconvened in order to present the additional evaluation.

4. Closing Statements

   a. The representative of the complaining party shall summarize its position in a brief oral statement.

   b. The representative of the responding party shall summarize its position in a brief oral statement.

   c. These summary statements are not considered to be evidence or testimony and shall not be considered in the decision making process.

   d. No objections may be made by either party during closing statements.

5. Closure of the Hearing

   a. The hearing officer's closing statement will include the following: He/she will

      (1) Obtain a copy of the record.

      (2) Study evidence and testimony carefully.

      (3) Render a decision based on evidence, testimony, state and federal law.

      (4) Assure the time of the decision will be within the mandated timelines, unless waived.

      (5) Send both parties a copy of the decision.

      (6) State that this decision is binding upon the parents (or the child, if over the age of majority) and the local education agency unless it is appealed.

      (7) Explain appeal process.

   b. Hearing is officially closed, giving date and time (this goes into record).

   c. After the hearing, the hearing officer should obtain addresses from both parties where the decision will be sent.

   d. Make sure there are copies of all exhibits.

6. Decision

The hearing officer has the duty to render a decision, based solely upon evidence and testimony acquired during the hearing process, within 45 days of the initial request. (Unless an extension of time has been granted--see Section V on Extension of Time.)

a. Such decision shall be in writing and shall be mailed by certified mail, return receipt requested, to both parties and the State Department of Education, Special Education Services.

b. The decision of the hearing officer shall include findings of fact, reasons thereof and conclusions thereon. If the decision disapproves a proposed education program, it shall include a statement of an adequate and appropriate educational program for the child.

c. The decision of the hearing officer shall state that this decision is binding upon the parents or the child (if over the age of majority) and upon the local education agency, subject to procedures for administrative or judicial appeal. (See Written Decision Format for statement to be made.)

d. Written Decision Format

(1) Cover page stating:

(a) Student's name and case number
(b) Reason for hearing
(c) Parties to hearing: parent's name/local education agency and representatives of each party
(d) Request by local education agency or parent
(e) Date of hearing, time and location
(f) List of witnesses
(g) Lists of evidence (brief description if needed)
(h) List date of decision

(2) Decision--very clearly stated so there can be no misunderstanding of exactly what the decision is.

(3) Statement giving the facts and reasons for reaching the decision.

(4) Statement of related concerns if appropriate.

(5) Statement that if either party is aggrieved by this decision an appeal may be made in writing to the State Department of Education, Special Education Services, for a review of the decision by an appointed appeal officer. This request must be received at the State Department of Education, Special Education Services, within thirty calendar days after date of receiving the decision by each party.

(6) Signature of hearing officer at bottom of the above written decision format.

IX. FINANCIAL RESPONSIBILITY

A. Local Education Agency (School)

1. Provide officers, employees or agents of the LEA for evidence, and testimony at the hearing.

2. Provide officers, employees or agents of the LEA, at the request of the parents, without cost to the parents.

3. Cover cost of the LEA's representative and witnesses.

4. Determine and notify State Department of Education if an interpreter will be needed. Any cost involved will be paid by the local education agency.

5. Pay for any independent educational evaluation requested by the hearing officer as part of the hearing.

6. Reimburse the hearing officer for all his/her expenses relative to the hearing. This expense will be approved by Special Education Services and will include: travel, food, lodging (if necessary) and cost of conducting the hearing and the decision making.

7. The cost of the recording of the proceedings and subsequent transcript.

8. Any cost for facilities (i.e., meeting room) and equipment rental (for recording).

B. Parents

1. Parents may be charged a reasonable fee for copies of the child's records, if the fee does not effectively prevent the parents from exercising their right to inspect and review such records.

2. Pay for their own legal counsel or representatives if there is cost involved. This also would include parent's witnesses if there is any cost. Local Education Agency personnel as witnesses will be at no cost to the parents.

3. Any travel expense of the parents, their representative and their witnesses will be the responsibility of the parents.

C. State Department of Education (SDE)

1. Any cost involved with training hearing officers will be handled through SDE inservice.

2. The appointment of the hearing officer (i.e., correspondence, telephone calls, etc.) will be handled by the SDE at no cost to the local education agency or parents.

3. Upon request and proper notification by either party, SDE personnel will serve as witnesses or present evidence and testimony at no cost to either party, (including time and travel).

4. The cost of the due process hearing appeal officer will be paid by the SDE at the current rate paid consultants.

D. Hearing Officer

Although the hearing officer has no financial responsibilities, he/she must fill out the proper forms for all expenses. This will be sent to the SDE for approval and the SDE will send to the school for reimbursement. (See Form 5A, Due Process Hearing.)

X. DUE PROCESS HEARING DECISION APPEAL

To guarantee due process protection to children and their parents in regard to the identification, evaluation and appropriate educational placement of the child, there is a procedure by which either party, for any reason, who is not in agreement with the due process hearing decision may appeal. This right to protest the decision is addressed in 34 CFR 300.510 (see Appendix A) and is in the form of an *appeal* to the Oklahoma State Department of Education, Special Education Services.

A. The procedures for this are:

Within *30 calendar days* of the receipt of the due process hearing decision, a written appeal will be made to the State Department of Education, Special Education Services, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

1. Appeal request letter is date-stamped and logged in; Special Education Services sends memorandum to both parties indicating an appeal request has been received;

B. An appeal officer will be selected to hear the protest. (34 CFR --300.510 and 20 USC, Section 1415C).

1. The appeal officer for a specific case will be selected utilizing a rotation system, from a State Board of Education approved pool of individuals meeting the qualifications outlined under federal regulations;
2. The appeal officer conducts a preliminary review of the evidence, testimony, and transcript of the local hearing;
3. The appeal officer considers preliminary findings and a decision is made as to need for additional data or new evidence;
4. The appeal officer will have no direct correspondence with any of the parties in the case without making such correspondence available to all parties. Telephone contact should be limited to clarifying procedure and establishing time and place for a formal review, if needed;
5. The appeal officer notifies the parties of:
    a. The need for more evidence and a formal hearing; or,
    b. The decision that no additional evidence is needed; no formal hearing will be held and a review decision will be forthcoming;
6. If a formal hearing is needed, the appeal officer establishes the time and date and notifies the parties. Time and date may be subject to the availability of the parties and can be delayed by request if substantiated by reasonable cause;
7. Both parties will be notified of their right to submit written position statements or briefs if no formal meeting is to be held;
8. Both parties will be notified of all hearing rights if new evidence or oral arguments are requested by the appeal officer.

C. The following timelines will apply to the appeal process:

1. Appeal must be requested and received at the State Department of Education, Special Education Services within 30 calendar days of the receipt of the initial hearing decision.

2. The appeal officer will examine the entire hearing record to ensure that procedures were consistent with the requirements of due process.

   The parties are welcome to submit and exchange written arguments as to their position regarding the issues in the hearing as reflected in the transcript and the hearing officer's decision.

   The appeal officer will determine if new or additional evidence is needed to make a decision. If new evidence is needed, the appeal officer will request that evidence and establish a time for a hearing to receive the evidence and allow for examination and cross-examination and allow all hearing rights as in the original hearing, as required at 34 CFR 300.508 and 300.510.

   If any party feels that is has new evidence which could affect the original decision, said party shall send a copy of the evidence to the other party(s) and appeal officer so that the appeal officer can determine if a formal hearing should be held as mentioned above. If there is intent to introduce new evidence, the appeal officer must have that evidence, or the intent to introduce such evidence, within ten (10) calendar days of the parties' receipt of the Notice of Appeal. Any new evidence submitted must be made available to all parties by the party submitting such evidence.

   New evidence is entered into the record and a formal hearing will be held unless both parties agree in writing to the submission of the new evidence and do not desire a hearing to challenge said evidence.

   Delays requested in the submission of new material or evidence will be treated as a request for a delay in the review and may result in the decision being delayed a proportionate time. Any request for a delay must be submitted at least five calendar days prior to the formal hearing or the thirty day extension due date.

3. If a formal appeal meeting is held, the parents have the right to determine if it shall be open or closed. A form, signed by the parents will be required and it must be in the appeal officer's possession five calendar days prior to the formal appeal hearing if the meeting is to be open. (See Form 7.)

4. If a formal appeal meeting is held, all documentary evidence (new) and the names of witnesses and the general thrust of their testimony (new) *must be exchanged by each party* and be in their possession at least five calendar days prior to the meeting. Any material not meeting the above requirement will be accepted only with the consent of both parties.

5. Appeal review decisions will be postmarked within 30 calendar days of the receipt of the review request by the appeal officer. To prevent delay, appeal requests should be marked: Attention: Due Process Hearings, Special Education Services, State Department of Education.

6. Delays in the 30 calendar day time line may occur if:

a. Either party requests additional time to secure new evidence, subject to the appeal officer's decision that new or additional evidence is needed;

b. A formal hearing is to be held and either party requests a postponement because of conflicting schedules or other valid cause for delay;

c. The appeal officer requests additional information which would require a time extension; or

d. The appeal officer requires additional time due to justifiable circumstances beyond his/her control.

D. The decision made by the appeal officer is final, unless a party brings a civil action under P.L. 94-142, 34 CFR 300.511 (see Appendix A).

APPENDIX A

Excerpts from P.L. 94-142--*Code of Federal Regulations*

Federal Register
Tuesday, August 23, 1977

Department of Health, Education and Welfare, Office of Education

Education of Handicapped Children: Implementation of Part B of the Education of the Handicapped Act, P.L. 94-142

34 CFR 300.506 Impartial due process hearing.

(a) A parent or a public educational agency may initiate a hearing on any of the matters described in 300.504 (a) (1) and (2).

(b) The hearing must be conducted by the State educational agency or the public agency directly responsible for the education of the child, as determined under State statute, State regulation, or a written policy of the State educational agency.

(c) The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

(1) The parent requests the information; or

(2) The parent or the agency initiates a hearing under this section.

(Authority: 20 U.S.C. 1416 (b) (2).)

> Comment: Many States have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State educational agencies or local educational agency personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's rights under this subpart.

300.507 Impartial hearing officer.

(a) A hearing may not be conducted:

(a) By a person who is an employee of a public agency which is involved in the education or care of the child, or

(2) By any person having a personal or professional interest which would conflict with his or her objectivity in the hearing.

(b) A person who otherwise qualifies to conduct a hearing under paragraph (a) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

(c) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons. (Authority: 20 U.S.C. 1414 (b) (2))

300.508 Hearing rights.

(a) Any party to a hearing has the right to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children;

(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(4) Obtain a written or electronic verbatim record of the hearing;

(5) Obtain written findings of fact and decisions. (The public agency shall transmit those findings and decisions, after deleting any personally identifiable information, to the State advisory panel established under Subpart F.)

(b) Parents involved in hearings must be given the right to:

(1) Have the child who is the subject of the hearing present; and

(2) Open the hearing to the public.
(Authority: 20 U.S.C. 1415 (d))

300.509 Hearing decision: appeal.

A decision made in a hearing conducted under this subpart is final, unless a party to the hearing appeals the decision under 300.510 or 300.511.
(Authority: 20 U.S.C. 1415 (c))

300.510 Administrative appeal; impartial review.

(a) If the hearing is conducted by a public agency other than the State educational agency, any party aggrieved by the findings and decision in the hearing may appeal to the State educational agency.

(b) If there is an appeal, the State educational agency shall conduct an impartial review of the hearing. The official conducting the review shall:

(1) Examine the entire hearing record;

(2) Insure that the procedures at the hearing were consistent with the requirements of due process;

(3) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in 300.508 apply;

(4) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;

(5) Make an independent decision on completion of the review; and

(6) Give a copy of written findings and the decision to the parties.

(c) The decision made by the reviewing official is final, unless a party brings a civil action under 300.511.
(Authority: 20 U.S.C. 1415 (c), (d); H. Rep. No. 94-664, at p. 49 (1975).)

Comment. 1. The State educational agency may conduct its review either directly or through another State agency acting on its behalf. However, the State educational agency remains responsible for the final decision on review.
2. All parties have the right to continue to be represented by counsel at the State administrative review level, whether or not the reviewing official determines that a further hearing is necessary. If the reviewing official decides to hold a hearing to receive additional evidence, the other rights in Section 300.508, relating to hearings, also apply.

300.511 Civil action.

Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under 300.510 of this subpart, and any party aggrieved by the decision of a reviewing officer under 300.510 has the right to bring a civil action under Section 615(e) (2) of this Act.
(Authority: 20 U.S.C. 1415)

300.512 Timeliness and convenience of hearings and reviews.

(a) The public agency shall insure that not later than 45 days after the receipt of a request for a hearing:

(1) A final decision is reached in the hearing; and

(2) A copy of the decision is mailed to each of the parties.

(b) The State educational agency shall insure that no later than 30 days after the receipt of a request for a review:

(1) A final decision is reached in the review; and

(2) A copy of the decision is mailed to each of the parties.

(c) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section at the request of either party.

(d) Each hearing and each review involving oral arguments must be conducted at a time and place which is reasonably convenient to the parents and child involved.
(Authority: 20 U.S.C. 1415).

300.513 Child's status during proceedings.

(a) During the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.

(b) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.
(Authority: 20 U.S.C. 1415 (e) (3))

> Comment. Section 300.513 does not permit a child's placement to be changed during a complaint proceeding, unless the parents and agency agree otherwise. While the placement may not be changed, this does not preclude the agency from using its normal procedures for dealing with children who are endangering themselves or others.

APPENDIX B

Checklist

LEA (SCHOOL CHECKLIST FOR DUE PROCESS HEARING)

(Check each step as accomplished and enter date of action.)

STEPS	FORM	TIMELINES	DATE ACCOMPLISHED
I. **Request for Due Process Hearing**			
A. If initiated by parent: send a copy to SDE	Letter	Immediately	
B. If initiated by district, send a copy to parents and the SDE	Letter	Immediately	
C. Send parents a copy of their rights	Form 1	Immediately	
D. Upon request, send a copy of the child's records to the parents or designated representative.			
II. **Attempt Settlement through Conference and/or Mediation**			
A. If parents agree schedule conference with school and/or request formal mediation through SDE.	Letter	As soon as possible	
B. Set a conference/mediation date mutually convenient for the parents and the school.			
C. If the issue is resolved through this process, both parties must sign Form 2 and forward to SDE.	Form 2	Immediately	
III. **Preparing for the Hearing**			
A. Hearing date & time and the name of the hearing officer will be provided by the SDE. Contact the SDE if officer impartiality is questioned.		At least: Ten calendar days prior to the hearing.	
B. Select a hearing site convenient to parents and large enough to seat officer, parties/counsel, tape recorder/operator. Also, arrange for nearby rooms in which to sequester witnesses.			
** The SDE will inform parents of the date and time of the hearing and the identity of the hearing officer.	Letter	At least: Ten calendar days prior to hearing.	
C. Obtain "Open Hearing" request form from parents if hearing is to be open. Forward to SDE.	Form 4	Five calendar days prior	
D. Insure all information has been exchanged with the parents.		Five calendar days prior	
E. Exchange copies of evidence with the parents.		Five calendar days prior	
F. Notify school witnesses, parents, and hearing officer of hearing time and place.	Letter	Five calendar days prior	
Note: Subpoenas for witnesses or evidence must be issued by the hearing officer in time to allow receipt before the five day deadline.	Letter to hearing officer	Ten calendar days prior	
G. Arrange for the recording of the hearing. OPTIONS: (1) Court reporter or (2) District employee familiar with recording procedures and equipment. (Use external microphone and new high-quality cassette tapes.)			
IV. **Hearing**			
A. Upon completion of hearing, forward the tape recording to the SDE for transcription.		Mail immediately by "Return Receipt"	
V. **Decision**			
A. If either party is aggrieved by the decision, an Appeal Review request must be made to SDE.	Form 6	Within 30 calendar days of receipt of decision	
VI. **Hearing Expenses**			
A. Upon receipt of Form 5A (Officer Expenses), obtain board approval for reimbursement.		Next scheduled board meeting.	
B. Upon receipt of transcription bill, obtain board approval for reimbursement.		Next scheduled board meeting.	

APPENDIX C

Forms

SDE-Form 1
Due Process Hearing

DUE PROCESS RIGHTS OF PARENTS

1. The right to be represented by legal counsel and/or by individuals with special knowledge or training with respect to the problems of handicapped children.

2. The right to present evidence and confront, cross-examine, and compel the attendance of witnesses.

3. The right to request certain school personnel to be present.

4. The right to obtain an independent evaluation.

5. The right to request an open hearing, if desired. (Note: Unless requested it will be a closed hearing to preserve confidentiality.)

6. The right to have your child present at the hearing.

7. The right to examine and reproduce all school records at reasonable cost.

8. The right to obtain written findings of fact and a decision.

9. The right to obtain a record of the hearing upon written request.

10. The right of both parties (local education agency and parent) to review all evidence to be introduced at least five days prior to the hearing.

11. The right to ask for a Due Process Hearing Appeal review if you are in disagreement with the hearing decision.

12. The right to know the role of the hearing officer includes the responsibility to hear both sides, and render a decision in keeping with all appropriate state and federal regulations.

13. The right to request that certain fees incurred by you during these proceedings be paid by the local education agency should you "prevail" in these proceedings, subject to the provisions of the Handicapped Children's Protection Act of 1986.

SDE-Form 2
Due Process Hearing

CANCELLATION OF DUE PROCESS HEARING

A request to the State Department of Education to conduct a Due Process Hearing has been made

by ______________________________ and ______________________________
(LOCAL EDUCATION AGENCY) (PARENT/GUARDIAN/SURROGATE PARENT)

concerning the appropriate education for ______________________________. Through a
(STUDENT)

prehearing conference and/or mediation, the request is being canceled by the undersigned. Both parties hereby agree that a Due Process Hearing is no longer necessary to settle the disagreement.

____
SIGNATURE OF PARENT/GUARDIAN/
SURROGATE PARENT/REPRESENTATIVE

____
SIGNATURE OF LOCAL EDUCATION AGENCY
ADMINISTRATOR/REPRESENTATIVE

____
DATE

Mail to:
Special Education Services
Due Process Hearings
State Department of Education
Hodge Education Building,
Oklahoma City, Oklahoma 73105-4599

Phone: (405) 521-3351

SDE Form 4
Due Process Hearing

OPEN HEARING REQUEST FORM

I, ______________________________ (PARENT/GUARDIAN/SURROGATE PARENT), in speaking on behalf of ______________________________ (STUDENT'S NAME), am requesting that this hearing be open to the public and hereby waive our rights concerning the confidential material which may be discussed during the Due Process Hearing to be held on

__________.
(DATE)

I understand that in order for the Hearing Officer to reach a decision, confidential information pertaining to our child may be discussed in the Due Process Hearing. I also realize that by having an open hearing, information brought out during the hearing cannot be guaranteed to be kept confidential. Realizing all of the above statements, I do hereby request that the Due Process Hearing be open to the public.

Signed: ______________________________ Date: ______________________
(PARENT/GUARDIAN/SURROGATE PARENT)

SDE-Form 5A
Due Process Hearing

HEARING OFFICER EXPENSES

Name ________________________ Date ________________

Address ________________________

________________________ Social Security # ____________

Due Process Hearing No. __________ at ______________ (SCHOOL) on ______________ (DATE)

Item	Explanation	Amount
Travel (same as current rate for state employees)	Home to Hearing Site ________ (Round Trip) ________ Turnpike Tolls ________ Other (Explain) ________ Total ________	________
Lodging (same as current rate for state employees)	Number of Nights (Receipt Attached) ________	________
Meals @ $5.00 each	Number of Meals ________	________
Compensation for Hearing (same as current rate for consultants used by the SDE) (Writing)	Hearing ________ Decision 150.00 Total ________	________
Other Expenses	Secretarial Services ________ Copying ________ Postal (Receipt Attached) ________ Phone Calls (Explain) ________ Other (Explain) ________ ________________ ________________ Total ________	________
	Total	________ ________

Comment ____

____

____

These expenditures (Form 5) were necessary in conducting the Due Process Hearing involving

________________________ and ________________________
(LOCAL EDUCATION AGENCY) (STUDENT)

An accurate description is given for each expenditure to be approved by the State Department of Education.

____
(HEARING OFFICER)

____
(HEARING OFFICER)

____
____
____
(ADDRESS)

____
(DATE)

The local education agency will send the hearing officer(s) a check in the amount of ____________ (TOTAL COST) to the hearing officer's address listed above to cover the total of the approved Due Process Hearing expenditures. These expenses have been approved by the undersigned.

________________________ ________________________
(STATE DEPARTMENT OF EDUCATION) (DATE)

SDE Form 6
Due Process Appeal Review

REQUEST FOR DUE PROCESS APPEAL REVIEW

I would like to request an Appeal Officer to review the record of Due Process Hearing ________ (NUMBER)

conducted at ______________________________ (LOCATION) on ______________________________ (DATE)

concerning the handicapped or purported handicapped child ______________________________ (NAME OF CHILD);

and make a decision as to the validity of the Due Process Hearing Officer's decision.

The specific reasons for this appeal request are as follows: ______________________________

The procedures for conducting this appeal will be sent to all parties by Special Education Services, Department of Education, upon receipt of this request.

Signed: ______________________________
(PARENT/GUARDIAN/SURROGATE PARENT/REPRESENTATIVE)

____
(ADDRESS)

____
(HOME PHONE) (BUSINESS PHONE)

____
(LOCAL EDUCATION AGENCY OFFICIAL/REPRESENTATIVE)

____
(LOCAL EDUCATION AGENCY)

____
(ADDRESS)

(________) ______________________________
(TELEPHONE)

Copy to other party

SDE Form 7
Due Process Appeal Review

OPEN HEARING REQUEST FORM

DUE PROCESS APPEAL

I, ______________________________, in speaking on behalf of ______________________________,
(PARENT/GUARDIAN/SURROGATE PARENT) (STUDENT'S NAME)

am requesting that this Appeal Review be open to the public and hereby waive our rights concerning the confidential material which may be discussed during the Appeal Review Hearing to be held on __________.
(DATE)

I understand that in order for the Appeal Officer to reach a decision, confidential information pertaining to our child may be discussed in the Appeal Review Hearing. I also realize that by having an open review, information brought out during the review cannot be guaranteed to be kept confidential. Realizing all of the above statements, I do hereby request that the Appeal Review Hearing be open to the public.

Signed: ____ Date: ______________________
(PARENT/GUARDIAN/SURROGATE PARENT)

Return to:
Appeal Officer and/or
Special Education Services
State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105-4599

APPENDIX D

Training Standards for Hearing and Appeal Officers

QUALIFICATIONS OF HEARING & APPEAL OFFICERS: SPECIAL EDUCATION DUE PROCESS HEARINGS IN OKLAHOMA

It is exceedingly difficult to specify the entire constellation of characteristics that must exist to ensure effective Hearing or Appeal Officers. The State Department of Education has opted to specify the basic qualifications in terms of the skills and knowledge base that an individual must possess in order to function in this capacity. The following criteria shall be considered in selecting Hearing or Appeal Officers.

A Hearing or Appeal Officer must have a thorough understanding of the following areas:

1. Special Education

    a. a knowledge of the characteristics and needs of exceptional children

    b. a knowledge of special education terminology and concepts such as:

        free, appropriate public education
        least restrictive environment
        individualized education program
        nondiscriminatory testing

    c. a knowledge of basic special education techniques and best practices regarding instruction and assessment

    d. a knowledge of state special education regulations contained in the *Policies And Procedures Manual for Special Education In Oklahoma*, *School Laws of Oklahoma*, and *Administrators' Handbook for Elementary, Middle, Junior High, and High Schools*.

2. Procedural Safeguards

    a. a knowledge of the basic principles of due process as outlined in the regulations implementing the *Education of the Handicapped Act*, the *Oklahoma Administrative Procedures Act*, and *Due Process in Special Education: Guidelines For Parents And School Administrators*

    b. a knowledge and ability to reference pertinent regulations implementing the Education of the Handicapped Act, Section 504 of the Rehabilitation Act of 1973, the Carl D. Perkins Vocational Education Act, and other acts as necessary

    c. a knowledge of the hearing and appeal officer's authority, role, and responsibilities in conducting the due process procedure

    d. an ability to write decisions based on the above-referenced state and federal regulations in a standardized format.

PERSONAL QUALIFICATIONS

All hearing and appeal officers assigned by the Department of Education are expected to have the ability and experience necessary to weigh evidence and testimony presented and make decisions in keeping with such evidence and testimony. All hearing and appeal officers are expected to remain impartial in discharging their responsibilities at all times. If this is not possible, all hearing and appeal officers have the responsibility to inform the Department of Education immediately. All hearing and appeal officers are expected to conduct hearings in a professional manner in accordance with established procedure, write decisions in a clear and concise manner based on State and Federal regulations, and possess sufficient time to devote to these activities. No individual who is an official or employee of a local public school will be assigned as hearing or appeal officer.

The following minimum training standards are currently in effect:

1. Formal Group Training: attendance of the annual two-day training session conducted by the Department of Education is mandatory for all hearing officer trainees. All hearing and appeal officers are also expected to attend each group two-day session for training and information updates. Ad hoc group training sessions will be called as necessary.

2. Observations: All hearing officer trainees are expected to observe as many hearings as necessary to ensure familiarity with the due process procedure and the authority and role of the hearing officer. Hearing and appeal officers may also continue to observe hearings as deemed appropriate by the Department of Education. The use of training video tapes may be used to meet this standard.

3. Personalized Individual Training: All hearing officer trainees will receive personalized training consistent with their academic and professional backgrounds. Training and information updates will be disseminated to all hearing and appeal officers as conditions warrant. Personalized training by the Department of Education is available to all hearing and appeal officers on an on-going basis and will be provided as deemed necessary by the State Department of Education.

All appeal officers will have met the minimum training standards required of hearing officers and will have served in that capacity for at least two years in Oklahoma. All hearing and appeal officers will possess at least a master's degree in education, special education, psychology, or a related field, or a law degree.

All inquiries regarding these standards should be forwarded to the Department of Education, Special Education Services.

Work experience will be evaluated on an individual basis.

PART I
LEA APPLICATION

DISTRICT PLAN

FOR
SPECIAL EDUCATION
IN
OKLAHOMA

July 1990

District Name ____ Number: ____________

County: ____

District's RESC: ____

Date Submitted: ____________________ District Contact: ________________________

Telephone No. ____________________

District Plan Utilized: (check one)

________ This district will use the sample district plan developed by the State Department of Education. (Please submit to Regional Education Service Center)

________ This district will not use the sample district plan developed by the State Department of Education. (Please submit to State Department of Education, Special Education Services)

NOTE: If a district will be using any form(s) other than the State Department of Education forms, the district must submit an original copy with the district plan to the State Department of Education, Special Education Services. (The forms must meet compliance and be approved prior to the district utilizing them.)

This publication, printed by State Department of Education Printing Services, is issued by Oklahoma State Department of Education as authorized by Gerald E. Hoeltzel, State Superintendent of Public Instruction. 1,200 copies have been prepared at a cost of $1,788.58. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries. March 1990

TABLE OF CONTENTS

Section 1: Free Appropriate Education 1
Section 2: Residential Placement 2
Section 3: Proper Functioning of Hearing Aids 2
Section 4: Full Educational Opportunity Goal 2
Section 5: Program Option 4
Section 6: Individualized Education Program (IEP) 6
Section 7: Private Schools 9
Section 8: Procedural Safeguards 12
Section 9: Student Evaluation 15
Section 10: Eligibility/Placement 16
Section 11: Reevaluation 16
Section 12: Specific Learning Disabilities 16
Section 13: Least Restrictive Environment 20
Section 14: Confidentiality 21
Section 15: Responsibility for all Educational Programs 24
Section 16: Health or Safety Standards for Facilities 67
Section 17: Compliance with Statutes, Regulations, State Plan and Applications 67
Section 18: Administration/Supervision of Each Project 69
Section 19: Compliance Records 69
Section 20: Accessibility 69

KEY TO CITATIONS

34 CFR - Code of Federal Regulations
OS - Oklahoma Statutes
CFR (300's) - Public Law 94-142
CFR (76's) - Education Department General Administrative Regulation (EDGAR)

LOCAL EDUCATION AGENCY (LEA) DISTRICT PLAN

A district plan for special education is required to be submitted to the Special Education Section, State Department of Education, for the purpose of determining a local district's plan for compliance with requirements of P.L. 94-142 as amended and other federal and state law as applicable.

Each district plan for special education will set forth the policies and procedures utilized by the Local Education Agency (LEA) in the delivery of a free appropriate public education to all handicapped children, as well as, assurances required by federal regulations.

An assurance statement is a strong statement of intent from one agency to another. The assurance statements required by the regulations must have the signature of an authorized official for the district which must comply with the requirements of each part. This signature will be notarized.

The attached district plan has been developed by the State Department of Education-Special Education Section to assist schools. Each district may elect to utilize this sample district plan or develop their own. Should a district select to use the attached district plan, all areas requesting information will need to be completed with information specific to each individual district. If a district selects to develop their own district plan, the attached district plan can serve as a sample that meets minimum standards. The district plan must address all, but is not limited to, the components of the sample district plan.

Additional requirements for the submission of the district plan for special education are as follows:

1. Districts making application for funds will be required to submit a district plan with the application for funds. Each district participating in a cooperative must submit a district plan with the LEA application for funds.

2. Districts not making application for funds will be required to submit Part I - district plan for special education. Part II is the actual application for funds.

3. Timelines for Part I completion are when funds are requested (Part II) anytime after July 1, 1990, or no later than August 31, 1990.

The district plan written in 1990 may be used for three years with updated-amendments as needed.

District Forms Utilized: (check one)

________ This district uses only State Department of Education forms

________ This district does not use State Department of Education forms

________ This district uses both, State Department of Education forms and district forms

1 FREE APPROPRIATE PUBLIC EDUCATION

1.1 All children with exceptional educational needs for whom this public agency is responsible are provided with a free appropriate public education (FAPE) as defined by state and federal statutes.

Special education and related services are provided to all eligible children with exceptional educational needs.

This district assures services to the following students:

A. Ages birth through 21 for severely handicapped children who have not completed a secondary program;

B. Ages 3 through 21 who have not completed a secondary program;

C. Education to non-handicapped children is available to a proportionate number of handicapped children;

D. ____________________________ is responsible for special education programming in this district;

________________________________ (LEA) assures compliance with the following mandates:

1.2 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794: "No otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

1.3 Title VI of the Civil Rights Act of 1964, 45 U.S.C. 2000d through 2000d-4: "No person in the U.S. shall, on the basis of race, color or national origin be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under an educational program or activity receiving federal financial assistance."

1.4 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681-1683: "No person in the U.S. shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

1.5 Child Find is an ongoing process in this school district.

A. ____________________ is the designated Child Find person for ______________________ Public Schools. (If this service is provided by a special education coop, this LEA will maintain documentation at the local building.)

B. The Child Find Person will maintain an ongoing central register of those students receiving special education and related services and which students are not receiving such services but are eligible. Teachers and parents are advised of evaluation availability and procedures.

C. This district will maintain a record of the number of referrals and evaluations resulting from the district's child identification process.

D. This district ensures that every community member is afforded the opportunity to be informed of special education services by the following child find methods: __________

____

(Documentation available in ____).

E. __________ handicapped students residing in this district attend private/parochial schools. A list is available in the ______________________________. (If there are not any, none must be stated.)

F. __________ handicapped children whose parents reside in this district are placed in out-of-state facilities. A list is available in the ________________________. (If there are not any, none must be stated.)

2. RESIDENTIAL PLACEMENT

2.1 This district assures that any residential placement is at no cost to the parent including non-medical care and room and board if necessary for special educational purposes. This includes placement in a state-operated school for the handicapped such as the School for the Deaf or Blind.

3. PROPER FUNCTIONING OF HEARING AIDS

3.1 This district will complete hearing aid checks __________ (daily is recommended) for those identified handicapped students with hearing aids. ______________________ will be responsible for conducting and maintaining documentation of hearing aid checks. Parents will be informed of any problems concerning the functioning of hearing aids. Maintenance and repair of the aids is the responsibility of the parents.

4. FULL EDUCATIONAL OPPORTUNITY GOAL

4.1 ______________________________________ (LEA) reaffirms the goals of providing full educational opportunities (FEO) to all handicapped children as defined in the act through programs meeting standards established and approved by the SEA.

This goal is consistent with the state's mandatory special education law enacted in 1970 and applies to all handicapped children, 0-21, subject to the following limitations:

A. From birth through age two, services are mandated for the blind, partially blind, deaf and hard-of-hearing children and low incidence severely multiple handicapped children; i.e., deaf-blind, retarded, cerebral palsied, autistic, and other children who fail to thrive from birth. (70-13-101)

B. Full services for all handicapped, ages 3 through 18.

4.2 In consideration of meeting full educational opportunity goal, describe the following (please complete chart and statement below):

A. Kind and number of classes currently required; Number of children in each placement.

B. Personnel required;

Category	Number of Facilities/Classes Required	Kind of Placement	Number of Children	Number of Personnel Required
Ex. EMH	1	Self-contained	12	1
Ex. LD	1	Lab	10	.5

C. Services required:

______________________ will provide related services required and other services needed.
(School Name)

4.2 (c) Check what related services are currently being used:

______ a. Transportation
______ b. Speech/language pathology and audiology
______ c. Psychological services
______ d. Physical therapy
______ e. Occupational therapy
______ f. Recreation/therapeutic
______ g. Early identification and assessment of disabilities in children
______ h. Counseling services
______ i. Medical services for diagnostic or evaluation purposes
______ j. School health services
______ k. Social work services in schools
______ l. Parent counseling and training

4.3 In meeting the full educational opportunity goal, this district makes provisions for participation and consultation with parents or guardians of handicapped children by utilizing the following descriptive procedures:

____
____
____
____
____
____

4.4 This district assures that local policy provides service according to priorities as follows:

A. To continue supporting child identification, location and evaluation activities;

B. To provide free appropriate public education to newly identified first priority children;

C. To meet the full educational opportunity goal including employing additional personnel and providing inservice training, in order to increase the level, intensity and quality of services provided to individual handicapped children; and

D. To meet the other requirements of Part B.

5. PROGRAM OPTION

5.1 In order to assure that handicapped children have available to them the variety of educational programs and services available to nonhandicapped children, each team will consider, evaluate, and deem appropriateness of the child's participation in:

a. Art
b. Music
c. Industrial Arts
d. Consumer and Homemaking Education
e. Vocational Education
    This district is a member of the ____________ Vocational-Technical School.
    This district ___ does or ___ does not offer vocational classes on campus.
f. State Mandated Testing Program
    State Mandated Testing will be administered with written parental permission by either (check) __________ permission on the state I.E.P. form or _________ district parent permission form.

5.2 Handicapped students are afforded an equal opportunity for participation in nonacademic and extracurricular activities as determined appropriate and necessary by the IEP team. A range of services and activities will be considered such as:

A. Counseling

B. Athletics

C. Transportation

D. Health services

E. Recreational activities sponsored by this district

F. Special interest groups or clubs sponsored by this agency

G. Referrals to agencies which provide assistance to handicapped persons

H. Employment of the student

   1. By public agency
   2. Outside employment

A referral will be made and documented to the designated Vocational-Rehabilitation Counselor for this district. Age appropriate handicapped high school students will be referred to Voc-Rehab for transitional services.

If this LEA provides employment of students, the following description explains how and what kind.

5.3 This district provides or arranges for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the service activities set forth in 34 CFR 300.306 of Subpart C, this district shall ensure that each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child.

5.4 A. This LEA ensures that physical education services, specially designed if necessary, are made available to every handicapped child receiving a free appropriate public education.

B. This LEA ensures that each handicapped child is afforded the opportunity to participate in the regular physical education program available to nonhandicapped children unless

1. The child is enrolled full time in a separate facility; or
2. The child needs specially designed physical education, as prescribed in the child's IEP.

C. This LEA ensures that if specially designed physical education is prescribed in a child's individualized education program, the public agency responsible for the education of that child provides the services directly, or makes arrangements for it to be provided through other public or private programs.

D. This LEA ensures that it maintains responsibility for the education of a handicapped child who is enrolled in a separate facility and that a child will receive appropriate physical education services in compliance with paragraphs A and C of this section.

6 INDIVIDUALIZED EDUCATION PROGRAM (IEP)

6.1 ______________________ assures that an individualized education program
(School)
will be developed and implemented for each handicapped child.

This district assures the development and implementation of an individualized education program for each handicapped child who:

A. Is placed in or referred to a private school or facility by this district; or

B. Is enrolled in a parochial or other private school and receives special education or related services from this district.

6.2 A. Meetings will be initiated and conducted for the purpose of developing, reviewing and revising a handicapped child's individualized education program;

B. Meetings will be initiated and conducted within thirty calendar days of a determination that a handicapped child needs special education and related services;

C. Meetings will be initiated and conducted to periodically review each child's individualized education program and if appropriate revise its provisions. A meeting is held for this purpose at least once a year.

6.3 The individualized education program team includes the following individuals:

A. A representative of this district other than the child's teacher(s) who is qualified to provide or supervise the provision of special education;

B. The child's teachers:

1. Special education teacher of suspected handicapping condition;

2. Regular teacher (except for preschool if documentation of consultation/training is available).

C. One or both of the child's parents;

D. The child, when appropriate;

E. Member of the multidisciplinary evaluation team or some other person knowledgeable about the evaluation procedures and familiar with the results of the evaluation (for initial evaluations and 3-year reevaluations);

F. A representative of a private school or facility, when applicable;

G. Other individual(s) at the discretion of the parent(s) or this district;

H. A representative from the child's district of residence for a student placed in an out-of-district program.

6.4 To ensure parent participation in the individualized education program (IEP) committee meeting, this district shall:

A. Notify the parents early enough so that they will have the opportunity to attend;

B. Schedule the meeting at a mutually agreed on time and place;

C. Indicate the purpose, time and location of the meeting and who will be in attendance.

D. Document alternative methods including telephone calls that are used to ensure parent participation when parents cannot attend;

E. Maintain a detailed record of phone calls, correspondence, and/or home visits made to encourage parents to attend if the parents do not wish to participate in developing the IEP;

F. Take whatever action is necessary to ensure parents understand the proceedings at the meeting (interpreters, native language, mode of communication);

G. Provide parents a copy of the individualized education program on request.

6.5 The individualized education program, which must precede placement, includes as a minimum the following:

A. Personally identifiable information (name, district, site, date of the IEP meeting, address, grade, birthdate and age);

B. Statement of the child's present levels of educational performance [34 CFR 300.346(a)];

C. Statement of the child's strengths and weaknesses;

D. Statement of the annual goals including short-term instructional objectives [34 CFR 300.346(b)];

E. Description of why even with adaptations removal from the regular environment to such extent is required;

F. Statement of the specific education and related services to be provided to the child. [34 CFR 300.346(c)];

    1. Based on the child's needs rather than on the availability of services;
    2. Provided at no cost to the parents;
    3. Participation in regular education programs as able.

G. Statement of position/person responsible for implementing objectives;

H. Estimate of time to be spent on objective(s);

I. The projected dates for initiation of services and the anticipated duration of the services [34 CFR 300.346 (d)];

J. Appropriate objective criteria and evaluation procedures [34 CFR 300.346 (e)];

K. Schedules for determining, on at least an annual basis, the degree to which the short-term instructional objectives are being achieved [34 CFR 300.346 (e)];

L. Statement of amount of time in regular academic instructional classroom;

M. Statement and objective if adaptations are required;

N. Statement of physical education participation;

O. Statement of vocational education participation;

P. Statement of vocational rehabilitation participation;

Q. Description of Least Restrictive Environment to include:

    1. placement
    2. LRE options considered/rejected
    3. placement as close to the child's residence as possible
    4. potential harmful effects
    5. to extent possible, education with nonhandicapped
    6. use of separate facilities
    7. full educational opportunities

R. Statement verifying agreement of LRE;

S. Date of next IEP meeting;

T. Team signatures in accordance with 300.344, 300.347-348 and state policies;

U. Statement of parent participation in the development of the IEP, 6.6 The individualized education program is in effect at the beginning of each school year for continuing students.

6.7 The individualized education program is in effect prior to the provision of services.

6.8 The individualized education program is implemented as soon as possible following the IEP meeting.

6.9 An annual meeting is held to review and revise each child's individualized education program.

7 PRIVATE SCHOOLS

7.1 Before a public agency places a handicapped child in a private school or facility in or out of district as a means of providing a free appropriate public education, the public agency shall:

A. Develop an individualized education program for each handicapped child placed in a private school or facility;

B. Ensure the attendance of a representative of the private school at the IEP meeting (or participation in the meeting by other methods).

7.2 After a child or youth enters a private school, information must be disseminated stating that:

A. Meetings to review and revise the individualized education program may be initiated and conducted by the private school at the discretion of this district;

B. Parents and a representative of this district must be involved in any decision about the IEP and agree to any proposed changes before those changes are implemented;

C. This district will take necessary steps to monitor and enforce compliance with Part B requirements by any private school or facility that implements a child's individualized education program.

7.3 For a handicapped child or youth enrolled in a private or parochial school but receiving special education and related services from this district, this district shall:

A. Initiate and conduct meetings to develop and revise the individualized education program;

B. Ensure the opportunity for the participation of the private school representatives in these meetings.

7.4 This district provides special education and related services designed to meet the needs of private school handicapped children and provide a genuine opportunity for equitable participation.

7.5 This district maintains continuing administrative direction and control over funds and property that benefits students enrolled in private schools.

7.6 This district shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the the district project including:

A. Which children will receive benefits under the project;

B. How the children's needs will be identified;

C. What benefits will be provided;

D. How the benefits will be provided;

E. How the project will be evaluated;

7.7 This district shall consult with appropriate representatives of students enrolled in private schools before making decisions that affect the opportunities of those students to participate in the project.

7.8 This district shall give the appropriate representatives (public/private) a genuine opportunity to express their views regarding each matter subject to the consultation requirements.

7.9 This district shall determine the following matters on a basis comparable to that used in providing for participation of public school students:

A. The needs of students enrolled in private schools;

B. The number of those students who will participate in this project;

C. The benefits that this district will provide under the program to those students; (i.e., consultation, inservice, use of certain instructional equipment/material).

7.10 The program benefits that this district provides for students enrolled in private schools are comparable in quality, opportunity for participation, and scope to the program benefits offered for students in this district.

7.11 If this district uses funds under a program for public school students in a particular attendance area or grade or age level, this district ensures equitable opportunities for participation by students enrolled in private schools who:

A. Have the same needs as the public school students to be served;

B. Are in that group, attendance area, or age or grade level.

7.12 If the needs of students enrolled in private schools are different from the needs of students enrolled in this district, this district shall provide correspondingly different program benefits.

7.13 As a recipient of federal funds, this district will have on file, (when applicable) the pertinent information in regard to:

A. A description of how this district will meet the federal requirements for participation of students enrolled in private schools (Child Find procedures in private schools);

B. The number of students enrolled in private schools who have been identified as eligible to benefit under the program (this district will offer services);

C. The number of students enrolled in private schools who will receive benefits under the program (all students eligible will receive benefits if needed);

D. The basis that this district uses to select the students (state eligibility standards and team action);

E. The manner and extent to which this district consulted with appropriate representatives of students enrolled in private schools (a representative from the private school will be consulted);

F. The places and times that the students will receive benefits under the program (as stated in the IEP);

G. The differences, if any, between the program benefits provided to public and private school students and the reasons for the differences. (No differences in services except in location.)

7.14 This district shall not use program/project funds for classes that are organized separately on the basis of school enrollment or religion of the students if:

A. The classes are on the same site;

B. The classes include students enrolled in public schools and students enrolled in private schools.

7.15 This district shall not use program funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

7.16 This district shall use program funds to meet the specific needs of students enrolled in private schools rather than:

A. The needs of a private school;

B. The general needs of the students enrolled in a private school.

7.17 This district shall use program funds to pay for the services of an employee of a private school only if:

A. The employee performs the services outside of his or her regular hours of duty; and

B. The employee performs the services under public supervision and control.

7.18 This district maintains title to and administrative control of all equipment and supplies acquired with program funds:

A. This district ensures that the equipment or supplies placed in a private school:

1. Are used only for the purposes of the project;

2. Can be removed from the private school without remodeling the private school facilities.

357

B. This district shall remove equipment or supplies from a private school if:

1. The equipment or supplies are no longer needed for the purposes of the project;

2. Removal is necessary to avoid use of the equipment or supplies for other than project purposes.

7.19 This district ensures that program funds are not used for the construction of private school facilities.

7.20 If the average cost of meeting the needs of students in public and private schools is different, this district expends a different average amount commensurate with the difference in the average cost of meeting the needs of the students in private schools who receive benefits under the program.

7.21 If the average cost of meeting the needs of students in public and private schools is the same, this district shall expend the same average amount of program funds for a student enrolled in a private school who receives benefits under the program as it does for a public school student who receives benefits under the program.

8. PROCEDURAL SAFEGUARDS

8.1 This district affords parents of a handicapped child an opportunity to inspect and review all education records with respect to:

A. The identification, evaluation, and educational placement of the child; and

B. The provision of a free appropriate public education to the child.

8.2 A. 1. This district affords parents of a handicapped child the right to obtain an independent educational evaluation of the child, subject to paragraphs B through E below;

2. This district will provide to parents, on request, information about where an independent educational evaluation may be obtained. These places include:

____

____

B. If the parent disagrees with an evaluation obtained by this district, the parent has the right to an independent educational evaluation; (i.e., conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child) and at public expense; (i.e., which the public agency either pays for or ensures that it is otherwise provided at no cost to the parent.) This district may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

C. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

1. Are considered by the public agency in any decision made with respect to the provision of a free appropriate public education to the child, and

2. May be presented as evidence at a hearing, under the subpart regarding that child.

D. If a hearing officer requests an independent educational evaluation as a part of a hearing, the cost of the evaluation is at public expense.

E. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, are the same as the criteria which the public agency uses when it initiates an evaluation.

8.3 A. This district assures that written prior notice which meets the requirements under 300.505 will be given to parents of a handicapped child a reasonable time before the public agency:

1. Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child, or

2. Refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child;

3. Written parental consent is obtained before:

   a. Conducting an individual evaluation; and
   b. Initial placement of a handicapped child in a program providing special education and related services.

4. Except for preplacement evaluation and initial placement, written consent may not otherwise be required as a condition of any benefit to the parent or child;

B. A parent's refusal to give written consent:

This district may use the hearing procedures to determine if the child is to be evaluated or initially provided special education and related services without written parental consent.

8.4 A. This district's written notice will include:

1. A full explanation of all the procedural safeguards available to the parents;

2. A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

3. A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and

4. A description of any other factors which are relevant to the agency's proposal or refusal.

B. This notice will be:

1. Written in language understandable to the general public, and

2. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

C. If the native language or other mode of communication of the parent is not a written language, this district will take steps to ensure:

1. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

2. That the parent understands the content of the notice; and

3. That there is written evidence that these requirements have been met.

8.5 This district is fully aware of and accesses the due process system established and implemented by the SEA.

8.6 A. This district assures that during the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint remains in his or her present educational placement.

B. If the complaint involves an application for initial admission to public school, the child, with consent of the parents, is placed in the public school program until the completion of all the proceedings.

8.7 Surrogate Parent

A. This district ensures that the rights of a child are protected when:

1. No parent can be identified ("Parent" means a parent, guardian, a person acting as a parent of a child or an appointed surrogate);

2. This district, after reasonable efforts, cannot discover the whereabouts of a parent, or

3. The child is a ward of the court.

B. Duty of a public agency

1. This district determines whether a child needs a surrogate parent, and

2. Recruits and trains a surrogate parent for the child, when needed.

C. Criteria for selection of surrogates

1. This district selects a person as a surrogate who:

a. Has no interest that conflicts with the interest of the child he or she represents; and

b. Has knowledge and skills that ensure adequate representation of the child.

D. Any person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child.

E. The surrogate parent represents the child in all matters relating to:

1. The identification, evaluation, and educational placement of the child, and

2. The provision of a free appropriate public education to the child

F. Surrogate parents this district is now utilizing on behalf of handicapped students.

1. ____________________ 3. ____________________ 5. ____________________

2. ____________________ 4. ____________________ 6. ____________________

____________________ NONE

G. This district will maintain documentation of training for each surrogate parent assigned to a handicapped child. This documentation will be maintained in each child's confidential folder.

9. STUDENT EVALUATION

9.1 This district assures that testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory.

9.2 This district assures that a full and individual evaluation of the child's educational needs is conducted in accordance with the requirements in Section 9.3 below before any action is taken with respect to the initial placement of a handicapped child in a special education program.

9.3 This district ensures that:

A. Testing and other evaluation materials:

1. Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

2. Have been validated for the specific purpose for which they are used; and

3. Are administered by trained personnel in conformance with the instructions provided by their producer;

B. The evaluation does not rely exclusively upon tests and materials which are designed to provide a single general intelligence quotient;

C. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure);

D. No single procedure is used as the sole criterion for determining an appropria t educational program for a child;

E. The evaluation is made by a multidisciplinary team or group of persons, including a least one teacher or other specialist with knowledge in the area of suspected disabilit y and

F. The child is assessed in all areas related to the suspected disability, including, whe r appropriate: health, vision, hearing, social and emotional status, general intelligen academic performance, communicative status, and motor abilities.

10. ELIGIBILITY AND PLACEMENT

10.1 This district assures that:

A. That a multidisciplinary evaluation team summary has been completed prior t eligibility;

B. Within 15 school days of receipt of evaluation results, a team determines categoric a eligibility.

10.2 A. Data from a variety of sources is gathered and considered in the placement decision.

B. Information obtained from all sources (including aptitude and achievement test teacher recommendations, physical condition, social and cultural background a adaptive behavior) is documented.

C. Interpretation of evaluation data and determination of a child's placement in speci a education are made by persons knowledgeable about the child, the meaning of t h evaluation data; and placement options.

D. Placement decisions are made in conformity with the least restrictive environme r rules in 34 CFR 300.550-554.

E. If a determination is made that a child is handicapped and needs special education a related services, an IEP is developed within 30 calendar days for the child i accordance with 34 CFR 300.340-349.

F. Each child's placement is determined annually based on his/her individualiz e education program.

11 REEVALUATION

11.1 This district assures that it will conduct an evaluation of each child based on procedur e that meet the requirements under 34 CFR 300.532, every three years or more frequently conditions warrant or if the child's parents or teacher requests an evaluation.

12 SPECIFIC LEARNING DISABILITIES

12.1 This district's criteria for determining the existence of a specific learning disability is a follows:

A. A team may determine that a child has a specific learning disability if:

1. The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph A-2 of this section, when provided with learning experiences appropriate for the child's age and ability levels; and

2. The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:

    a. Oral expression;

    b. Listening comprehension;

    c. Written expression;

    d. Basic reading skill;

    e. Reading comprehension;

    f. Mathematics calculation; or

    g. Mathematics reasoning.

B. The team may not identify a child as having a specific learning disability if severe discrepancy between ability and achievement is primarily the result of:

1. A visual, hearing, or motor handicap;

2. Mental retardation;

3. Emotional disturbance; or

4. Environmental, cultural or economic disadvantage.

C. Exceptions may be made by the team if observations and other facts contradict the standard discrepancy being used.

D. This district's criteria for determining the existence of a specific learning disability is attached (choose form A **or** form B and complete all areas).

FORM A

"STANDARD SCORE DISCREPANCY WITHOUT CORRECTION FOR REGRESSION"

The ______________________________ school district will consider students who meet certain criteria for special education instruction under the category of Specific Learning Disabilities. This will include all students whose standard score discrepancy between ability (IQ) and actual achievement falls at *____ or more. Students whose discrepancy between ability and achievement is primarily the result of visual, hearing, or physical handicaps, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage shall not be eligible for Specific Learning Disabilities. Other information, including classroom performance, observations, adaptive behavior, and school history must also be considered in the determination of eligibility for Specific Learning Disabilities. Students whose achievement is commensurate with their age and ability or whose deficits can be corrected without special education and related services, would not be eligible for Specific Learning Disabilities.

* Many districts consider severe discrepancy of at least -15 points as a significant discrepancy.

FORM B

"DISCREPANCY WITH CORRECTION FOR REGRESSION EFFECTS"

The ________________________ school district will consider students who meet certain criteria for special education instruction under the category of Specific Learning Disabilities. This will include all students whose estimated percentile rank of discrepancy between predicted ability and actual achievement falls at *______ or below, as determined by a procedure that corrects for the effects of regression toward the mean when comparing two test scores. Students whose discrepancy between ability and achievement is primarily the result of visual, hearing, or physical handicaps, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage shall not be eligible for Specific Learning Disabilities. Other information, including classroom performance, observations, adaptive behavior, and school history must also be considered in the determination of eligibility for Specific Learning Disabilities. Students whose achievement is commensurate with their age and ability or whose deficits can be corrected without special education and related services, would not be eligible for Specific Learning Disabilities

* Examples might include estimated percentile ranks of discrepancy ranging from 4-7. Percentile ranks of discrepancy above 10 occur with greater frequency than the percent for learning disabilities expected in the normal population.

12.2 This district shall document observation of academic or performance/behavior in the regular class or of age appropriate environment by a team member other than the child's regular teacher.

12.3 In evaluating a child suspected of having a specific learning disability, in addition to the requirements of 34 CFR 300.532, this district will include on the multidisciplinary evaluation team for learning disabilities:

A. 1. The child's regular teacher; or

2. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or

3. For a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age; and

B. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

C. A teacher certified in the area of learning disabilities.

The team prepares a written report of the results of the evaluation.

D. The report includes a statement of:

1. Whether the child has a specific learning disability;

2. The basis for making the determination;

3. The relevant behavior noted during the observation of the child;

4. The relationship of that behavior to the child's academic functioning;

5. The educationally relevant medical findings, if any;

6. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

7. The determination of the team concerning the effects of physical/sensory environmental, cultural, or economic disadvantage.

E. Each team member certifies in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member submits a separate statement presenting his or her conclusions.

13 LEAST RESTRICTIVE ENVIRONMENT

13.1 This district establishes and implements procedures which meet the requirements of 34 CFR 300.550-300.556.

13.2 A. This district assures that it will educate handicapped children, including children in public or private institutions or other care facilities, with children who are not handicapped to the maximum extent appropriate.

B. This district assures that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

13.3 This district provides a continuum of alternative placements to meet the needs of handicapped children for special education and related services. The continuum available for consideration will include:

A. Regular classroom with special consultation to the regular teacher provided by a certified special education teacher;

B. Regular classroom supplemented by the services of an itinerant teacher;

C. Regular classroom supplemented by the services of a resource room teacher;

D. Part-time special education; (i.e., services for students who require instruction in special classes, but participate with nonhandicapped students in all activities appropriate for the child);

E. Full-time special education; (i.e., self-contained special classes);

F. Special day schools;

G. Home-based instruction;

H. Residential schools; or

I. Hospital school programs

13.4 This district assures that:

A. The child's educational placement is as close as possible to the child's residence;

B. Unless a handicapped child's individualized education program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped;

C. Consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs.

14 CONFIDENTIALITY

14.1 This district ensures that it shall permit parents to inspect and review any educational record relating to their child which are collected, maintained, or used by this agency.

14.2 If a parent requests to inspect or review records, this district will:

A. Comply with the request without unnecessary delay before any meeting regarding an individualized education program or hearing related to the identification, evaluation, or placement of the child;

B. Comply with the request within no more than 45 days.

14.3 This district's policy regarding the right to inspect and review records includes:

A. A provision that this district responds to reasonable requests for explanations and interpretations of records;

B. A provision that this district provides copies of records containing information if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review the records;

C. A provision that representatives of the parents have the right to inspect and review the records.

14.4 This district allows a parent to inspect and review records relating to his/her child unless this district has been advised that the parent does not have the authority under state law governing such matters as guardianship, separation, or divorce.

14.5 A. This district keeps a record of parties obtaining access to education records collected, maintained, or used under this law:

B. The record of access includes names of the party, date access was given, and the purpose for which the party was authorized to use the records.

14.6 If this district maintains any education records that include information on more than one child, this district ensures that the parents of the child shall have the right:

A. To review and inspect only the information relating to their child; or

B. To be informed of that specific information.

14.7 This district will provide to parents, on request a list of the types and locations of education records collected, maintained, or used by this district.

14.8 At the present time, this district ______does or ______does not charge a fee for copies of records. This district charges a fee of ________ per page. (not to exceed 25¢ per page). If a charge is implemented, the following procedures will be followed:

A. This district's fees would not prevent the parent from exercising the above right;

B. This district will not charge a fee for search or retrieval of information for the parent.

14.9 This district provides for amendment of records at parent request:

A. A parent who believes that the education records collected, maintained, or used under this part are inaccurate, misleading, or violate the privacy or other rights of the child may request the participating public agency maintaining the information to amend same;

B. This district shall decide whether to amend the information in accordance with the request within a reasonable period of time after receiving the request;

C. If this district refuses to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing;

1. On request, this district provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. This hearing will be conducted according to the procedures under [34 CFR 99.22];

2. If, as a result of the hearing, this district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it amends the information accordingly and so informs the parent in writing;

3. If, as a result of the hearing, this district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it informs the parents of the right to place in the records it maintains on the child, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of this district;

4. This district requires that any explanation by parents placed in the records of the child:

    a. Be maintained by this district as part of the records as long as the record or contested portion is maintained by the agency;

    b. Be disclosed if the records of the child or the contested portion are disclosed by this district to any party.

14.10 This district requires that parental or adult (18 or over) student consent be obtained before personally identifiable information is disclosed to anyone other than officials of participating agencies collecting or using this information or is used for any purposes other than meeting a requirement under this part.

14.11 This district documents the following safeguards regarding confidentiality:

A. Protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages;

B. The district official who assumes responsibility for ensuring the confidentiality of any personally identifiable information is ____________________;

C. All individuals collecting or using personally identifiable information have received training/instruction in federal and state confidentiality policies and procedures. This training will be conducted by ____________________;

D. A current listing of the names and positions of the employees within this district who have had access to personally identifiable information will be maintained for public inspection;

E. This district will maintain educational records for five years after the completion of the activity;

F. This district informs parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child;

G. This district requires that information that is no longer needed after five years to provide educational services to the child must be destroyed at the request of parents;

(Except that the students name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.) Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the records. This district ___________ does or ___________ does not destroy records. If this district does destroy records, documentation of the letter notifying parents of destruction of records will be maintained;

H. This district will maintain all records involved in any legal action until the completion of the action or for five years, whichever is later;

I. This district ensures that children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of the disability.

14.12 This district annually informs parents and adult students (18 and over) of their rights, the district's policies and procedures regarding confidentiality, and their right to file complaints regarding confidentiality.

14.13 This district assures that all parental rights regarding records shall pass to the child upon reaching the age of majority (18) or when attending an institution of postsecondary education, except in the case of a severely or profoundly handicapped child who is legally determined to be incompetent to make such decisions by himself.

15 RESPONSIBILITY FOR ALL EDUCATIONAL PROGRAMS

15.1 This district assures that each educational program for handicapped children administered within this district, including each program administered by another public agency, shall meet education standards of the state educational agency (including the requirements of this part).

15.2 This district shall establish and document procedures for determining program effectiveness to be completed at least annually. The regional accreditation officer shall review the program effectiveness documentation during the annual school accreditation visitation. During the annual school accreditation visit, the regional accreditation officer completes the Annual Effectiveness Program Evaluation and reviews selected confidential folders containing IEPs and Review of Placement/IEP forms. Regional accreditation officer reports are submitted to the administrators of the Accreditation/Special Education Section. If problem areas in programming or the IEP process are identified, Special Education Services will provide technical assistance to aid in program effectiveness. The recommendation from the Special Education Section of the State Department of Education will be utilized as a guide in determining program effectiveness. (See attached sample and submit.)

379

OKLAHOMA OVERVIEW

EFFECTIVENESS INDICATORS FOR SPECIAL EDUCATION*

This overview was compiled by an Oklahoma Directors of Special Services (O.D.S.S.) Taskforce on Program Evaluations, for non-profit distribution to public schools in Oklahoma. A set of program evaluation survey forms was developed to accompany this document.

Taskforce Members

Paulette Barnes, Tulsa	Jim Fluegel, McAlester, Co-Chair
JoAnne Davis, Blackwell	Pat Kennedy, Bixby, Co-Chair
Phil DeBerry, Norman	Betty McClure, Catoosa
Daine Dicken, Western Heights	Mally Randolph, Idabel

* Information was referenced from the document of the same name, developed by the National Regional Resource Center Panel, and published by the Mid-South RRC, 1986.

Spiral bound copies of the complete *Effectiveness Indicators for Special Education* may be obtained at cost (about $6.00) from:

The National Clearing House of Rehabilitation Training Materials
Oklahoma State University
Old USDA Building, Room 115
Stillwater, Oklahoma 74078-0433
(405) 624-7650

371

The ______________________________ School District recognizes its responsibility to fulfill requirements of P.L. 94-142, The Education of the Handicapped Act, state mandates and district policy, with respect to evaluating the effectiveness of special educational programs.

The goal of special education is to provide the opportunity for every child to develop their skills to the greatest extent possible. The purpose of program evaluations if four-fold: (1) to meet a requirement of P.L. 94-142; (2) to promote consistency in gathering program evaluation information; (3) to promote common understanding about what characterizes effective education and related services for students with disabilities; and (4) to emphasize the integral relationship between special education and the regular education process.

An analysis of each component of the special education program will be made by the special services director and building principal. Input will be gained from the regular and special education instructional team, and also from parents--a special aspect of the program planning team.

The focus of the Special Education Effectiveness Indicators document (RRC Panel, 1986) is on special education as an integral part of the total school program, emphasizing its potential use by regular and special education personnel.

The following pages represent an overview of Special Education Effectiveness Indicators: A Reference Tool,(1986). The brief synopsis was summarized by the Oklahoma Directors of Special Services (O.D.S.S.) Taskforce on Program Evaluations, to provide directors with a supportive information base on which a set of program evaluation survey forms were developed for school documentation and evaluation purposes.

The survey forms for teachers, parents, and administrators were developed by the taskforce members who reviewed the effectiveness indicators research. They are intended to serve as an initial point of reference for evaluating special education programs. Survey results may serve as a means of remediating program weaknesses and acknowledging program strengths.

Effectiveness Indicators are organized into six major areas:

I. Philosophy, Policies and Procedures;
II. Resource Allocation;
III. Staffing and Leadership;
IV. Parent Participation and Community and Interagency Involvement;
V. Instruction;
VI. Program and Student Outcomes;

A table of contents follows this narrative. It lists important effectiveness indicators which are organized within each of the six areas mentioned above.

EFFECTIVENESS INDICATORS FOR SPECIAL EDUCATION

Table of Contents

1. **Philosophy, Policies, and Procedures**

   - Local Education Agency Philosophy and Priorities
   - Overall Program Policies and Procedures:
     - Least Restrictive Environment and
     - Curriculum and Instruction
   - Student Policies and Procedures
   - Parent and Community Involvement Policies and Procedures
   - Program Planning, Coordination, and Communication Policies and Procedures
   - Personnel Policies and Procedures
   - Program Evaluation Policies and Procedures

2. **Resource Allocation**

   - Funding and Fiscal Procedures
   - Staff Resources
   - Related Services
   - Instructional Resources
   - Facilities

3. **Staffing and Leadership**

   - Staff Characteristics, Attitudes, and Relationships
   - Staff Development
   - Program and Instructional Leadership

4. **Parent Participation and Community Involvement**

   - Parent Participation
   - Community and Interagency Involvement

5. **Instruction**

   - The Instructional Program
   - Instructional Planning
   - Instructional Time
   - Instructional Practices
   - School and Classroom Climate

6a. Student Performance, Competencies, Behaviors and Attitude

   - Attendance, Suspension, Dropout, Completion Rates
   - Achievement
     - Academic
     - Vocational
     - Self-Help, Social

6b. Satisfaction

Students
Parents
School Staff: Teachers, Administrators, Program Specialists
Employers
School Board and Community

6c. Post School Outcomes

Post Secondary Schooling
Employment
Income
Integration/Least Restrictive Environment

7. Use of Developmental History of EISE Documents

Philosophy, Policies, and Procedures

Chapter 1

Local Education Agency Philosophy and Priorities

Effective schools have mechanisms at all levels for sustaining motivation, commitment, and identification, with learning perceived as the most important purpose of schooling. A written philosophy of education will demonstrate professional and public support, reflect district needs and the belief all students can learn, while emphasizing high expectations and standards, and the interrelationship of special education with regular education. An ongoing emphasis on the improvement of instructional programs and a commitment of "best practices" in the identification, implementation and evaluation of students is needed. Goals and priorities should be publicized and understood by parents, professionals and the community. A district plan and written philosophy are developed by a team and reviewed periodically.

Overall Program Policies and Procedures: Least Restrictive Environment/Curriculum and Instruction

An effective program is characterized by policies and procedures that ensure a comprehensive curriculum and continuum of services, so students with disabilities can participate fully in the school program with their non-disabled peers. Program policies should protect the rights of all individuals, provide direction, ensure a continuum of programs and services, allow input for all interested parties, and be reviewed annually. Policies and procedures should minimize the labeling of students, emphasize responsiveness to needs, least restrictive environment, and movement toward independence while encouraging interaction among disabled and non-disabled students and focus on desired student outcomes. Curriculum policies will ensure that all students achieve their potential, as appropriate to individual needs and abilities. The following areas should be included: basic skills, science, and social studies, communication, pre-vocational and vocational skills, technology skills, study habits, recreation, self-help skills, civic responsibilities, art/music and creative expression and health and physical education. Policies and procedures should guarantee service options for all students birth to 21.

Student Policies and Procedures

An effective special education program includes policies and procedures consistent with the provisions of PL 94-142. Written policies should specify criteria for grading, promotion, graduation, change of placement, expulsion for all students, and for modification of these criteria by multi-disciplinary teams. Criteria for the eligibility for and exit from special education and related services, and ensuring of procedural safeguards, and maintaining confidentiality should be included. Written guidelines describing student rights and responsibilities should be in use and disseminated to staff, students, and parents. Written policies and procedures should include identification, pre-referral and referral mechanisms. Written evaluation procedures should include a variety of evaluation methods completed in a timely fashion, and a multi-disciplinary team approach. I.E.P. development will involve individuals who have knowledge of the student and specify goals consistent with student needs. Modified instruction/services provided throughout the referral, evaluation, and placement processes will continue in the IEP implementation. Follow-up of students previously referred for evaluation but not found to be eligible will be provided. Transition policies will be established for all students involved in any school changes (buildings, entering/exiting programs, transfers, vocational programs, graduation).

I. Parent and Community Involvement and Procedures

A. Parent Involvement

1. Rationale

a. Parent involvement emphasizes a genuine partnership for decision-making

B. Written policies and procedures: encourage frequent home/school communication and a working partnership, include a systematic outreach to parents and specifies due process procedures, include parents in a needs assessment, and provide for a local Special Education Advisory Committee.

C. Community Involvement

1. Policies and procedures encourage: maintaining a public relations program, including the community in a needs assessment, and informing the school board about special education programs and services.

II. Program Planning, Coordination and Communication

A. Planning, Coordination and Communication

1. Rationale

a. Quality programs are implemented through careful planning with systematic communication and coordination.

B. Planning

1. Written policies and procedures provide for:

a. A long term improvement plan, input from many groups, based on formal and informal needs assessments, with regular reviews and updating, along with corrective actions when discrepancies are found. The long term plan includes development/improvement priorities and objectives, program, tasks, timelines, accountability, and evaluation procedures.

C. Coordination and Communication

1. Written policies and procedures promote:

a. coordination and communication between special and regular educators, other agencies, vocational educators, and related services personnel;

b. communicating the results of evaluations and plans for improvement to state and federal authorities, local constituencies, and local staff.

III. Personnel Policies and Procedures

A. Rationale

1. Provide opportunities for professional growth.

B. Written policies and procedures:

1. Require the employment of qualified personnel;

2. Prohibit discrimination;

3. Provide job descriptions;

4. Written description of the levels of authority and administration organization.

C. Policies and procedures for staff development:

1. Require a systematic needs assessment and staff development plan which provides programs for parents as well as professionals.

2. Provides training for employees before assuming new assignments.

D. Policies and procedures provide for:

1. Assisting the regular classroom teachers to work cooperatively with the multidisciplinary team members;

2. Appropriate security;

3. Direct and systematic supervision of all personnel;

4. Conducting fair evaluations which include plans for individual staff growth.

IV. Program Evaluation Policies and Procedures

A. Program Evaluation

1. Rationale

a. To demonstrate instructionally effective programs and services have merit and worth.

B. Indicators

1. Policies and procedures provide for:

a. Conducting systematic evaluations of programs and special services;

b. To determine whether programs are meeting the needs of the students;

c. Involvement of many groups in determining the effectiveness;

d. Areas to be evaluated such as the referral process, IEP development, instructional delivery, staff behaviors and attitudes, school climate, student progress, program impact, and concurrence with regulation and laws;

e. Coordination of student performance evaluations to reduce duplication of effort and disruption of classroom instruction; .

    1. Collecting, summarizing, and using information about student progress and performance.

f. Routine review of congruency among evaluation instruments, the IEP, and the instruction to assure proper alignment;

g. A post school follow-up study to evaluate the success of the students after graduation.

RESOURCE ALLOCATION

Chapter 2

I. Funding and Fiscal Procedures

A. Sufficient funds and resources are allocated for staffing, facilities, equipment, services, instructional materials, and program improvements.

B. Resource development includes an investigation of federal, state and local funding sources, as well as community resources, both fiscal and non-fiscal.

C. Budget development is based on a careful study of previous expenditures, changes in cost, future student and program needs, and include input from staff, parents and other key sources.

D. School district resources demonstrate that special education professionals share equitably in salary and benefit programs of the district.

E. Fiscal procedures are consistent with state and federal mandates; records are maintained in a format to facilitate effective decision-making; fiscal management procedures exist in written form, and ensure accountability at all levels in the district; routine audits are performed on all program expenditures.

II. Staff Resources

A. All personnel are appropriately qualified and certified to perform supervision, administration, instruction or related services, as required by position qualifications.

B. Sufficient certified and support staff are employed to implement and conduct special education programs.

C. Trained and qualified substitute teachers or support personnel are provided as needed in serving disabled student programs.

D. Transportation personnel qualifications include special training on the needs of handicapped children and knowledge of first aid.

E. Staff assignments demonstrate equity among staff members, and case loads are balanced to enhance staff productivity.

III. Related Services

A. The district implements written policies and procedures on the provision of related services to eligible students.

B. Students with disabilities have access to appropriate related services including: speech and-language therapy, physical and occupational therapy, adaptive P.E.; psychological services, social work services, and other services which include medical, vision or hearing specialists.

C. Transportation policies and procedures are defined by board or administrative policy; and are specified on the students Individualized Education Program.

D. Transportation provided is barrier-free; includes trained aides assigned to a vehicle if conditions warrant; is accessible to all students; includes provisions for emergency and recreational use; meets all safety regulations beyond minimum standards, and is provided in regular school schedules unless special adaptations preclude such usage.

IV. Instructional Resources

A. The district implements written policies and procedures for the purchase, use, and repair of diagnostic and instructional materials.

B. Materials, supplies, and equipment are appropriate for each student and each content level, they are available, and maintained in good condition.

C. Staff members have access to a specified annual budget to purchase instructional resources at their own discretion.

D. A critical needs fund is maintained annually for needed purchases.

E. Resources are listed in a centralized index for administrative management of equipment.

F. The organization of instructional resources includes community services, programs, and personnel available to enhance school resources.

G. There is an on-going review/evaluation of selection criteria, sufficiency, appropriateness, acquisition procedures, effectiveness and utilization of instructional resources.

V. Facilities

A. Special classrooms are located within the regular school setting and not in isolated sections of the school or separate from the school.

B. Facilities are appropriate for: providing services, instruction, allowing for flexible grouping and varied activities, and for use of aides/volunteers.

C. Classrooms are adequately lighted, heated, and ventilated.

D. Facilities are safe and free of hazards with periodic health and safety inspections.

E. Facilities are barrier-free, allowing access and egress; they include accessible/adaptive bathrooms, drinking fountains, elevators, support rails, accommodate special vehicles in parking lots and ramps for wheel chair considerations; and meet all safety requirements as mandated by Section 504 regulations.

F. Special education staff are involved in the assignment of work spaces (classrooms, offices, clinical areas).

G. Adequate space and accommodations are available for use by related service providers when services must be provided outside of the students usual instructional environment.

STAFFING AND LEADERSHIP

Chapter 3

I. Staff Characteristics, Attitudes and Relationships

A. Rationale

1. The qualifications and attitudes of the entire staff influence program effectiveness.

B. Indicators (Qualifications, Expectations, and Participation)

1. Special Services Staff are well qualified.
2. Throughout educational experience, positive emphasis is on success.
3. Staff have realistic achievement expectations for special and regular students and take into consideration student's individual learning styles and abilities.
4. Achievement goals are challenging yet attainable.
5. Staff and parents emphasize learning goals and expect students to work toward them.
6. Staff have high expectations for themselves.
7. Entire staff works toward helping students achieve IEP Goals.
8. Staff of entire district regards special education as an important part of system.
9. All teachers are enthusiastic about the learning process and believe they are effective and can affect the students' learning.
10. Entire staff participates in staff development to upgrade knowledge and skills.
11. Entire staff actively participates in planning of special education programs according to individual student's needs.
12. Special Education Staff are knowledgeable regarding laws and regulations regarding special education.
13. Special Education Staff understands sequential skill development.
14. Special Education Staff strive to develop positive attitudes toward exceptional persons and serve as advocates on their behalf.
15. Staff is involved in research related to special education.

C. Indicators (Relationships and Teaming)

1. Regular and related services staff relate well to each other; they:

   - see themselves as part of a team in planning and implementing IEPs;
   - communicate and plan together often to ensure program coordination;
   - share information on student needs; and,
   - work together to adjust lessons and programs as needed.

2. Multi-disciplinary team meetings reflect good communication and partnerships among all members.

3. Special and regular staff cooperate to increase opportunities for students with disabilities in regular programs.

4. Special education and related services staff provide support, consultation, coordination, and technical assistance:

   - to regular teachers for modifying instruction and materials for mainstreamed students; and,
   - to other school staff, parents, and the community to facilitate the learning and development of students.

5. Services are available for parents and teachers to assist them in solving student discipline and behavior management difficulties.

6. Special education staff understand and respond to the realities of regular education teachers' situations.

7. Regular education staff are supportive and willing to work with students with disabilities and special education staff is willing to help successful instruction in regular classrooms.

8. Staff members who are knowledgeable in computer technology help special educators provide computer-assisted instruction of students with disabilities.

9. Administrators, teachers and specialists avail themselves of appropriate professional consultation concerning any phase in the development and implementation of students' IEPs.

II. Staff Development

A. Rationale

1. Staff development is a commitment to help individuals grow personally and professionally in a supportive environment. Teacher openness to staff development is related directly to a commitment to program improvement. Staff development opportunities incorporate the findings of effective school research, and training is provided for entire staff regarding successful programs for students with disabilities.

B. Indicators

1. The district develops and implements a plan for on-going staff development for all school staff to increase awareness, knowledge, and skills, and to foster positive attitudes.

2. District and building administrators explicitly support in-service programs.

3. Sufficient time and other resources are provided for inservice training of all personnel responsible for special education programming.

4. Staff development needs of school staff, parents, and volunteers are assessed regularly, and in-service programs planned in response to needs assessment.

5. In-service plans are developed collaboratively by in-service clients, providers, and relevant constituencies.

6. Staff development programs incorporate knowledge of adult learning and are relevant to actual responsibilities and emphasize skill building.

7. The district ensures, through staff development, that all local educators understand the findings and implications of research on effective schools.

8. Special and regular education staff are informed of:

   - identification services,
   - diagnostic services,
   - IEP development and placement services,
   - instructional and related services,
   - annual program review services,
   - the special education curricula,
   - parent and student rights, and
   - community resources.

9. Regular and special education teachers receive in-service training:

   - in communicating with and working with parents;
   - to assist in the integration of special students into regular classroom;
   - on effective methods and materials;
   - that includes the demonstration and practice of effective teaching skills;
   - in performing necessary support services appropriate to the needs of their students; and,
   - on the use of adaptive equipment and educational technology.

10. Staff development is provided for principals to: Create strong ties between the district office and individual schools; ensure that principals have leadership skills for long-term planning; and, increase their awareness of special education needs.

11. In service training is provided for regular (academic and vocational) and special education staff related to appropriate educational programs for students with disabilities, including curriculum modification, job training, placement, and follow-up.

12. Aides and assistants receive orientation and in-depth in-service training on the nature and management of students with disabilities.

13. Transportation personnel are provided with in-service training related to the characteristics, needs, and management skills necessary to provide safe transportation for students with disabilities.

14. The district provides staff with incentives such as release time to encourage participation in staff development programs.

15. Supervision and evaluation procedures are written and are intended to help teachers set and work toward professional growth goals. All staff receive periodic feedback on performance.

16. The district evaluates the extent to which the staff development program meets staff needs and increases proficiency in providing effective special education programs including instruction, related services, supervision and administration.

17. The evaluation of in-service is a collaborative venture whose primary purpose is to assist with planning and implementing programs.

III. Program and Instructional Leadership

A. Rationale

1. Effective schools research cites strong leadership at the district and school levels as the most consistent characteristic of outstanding school programs.

B. Indicators

1. Regular and special education administrators provide strong and effective leadership. Superintendents and principals agree on the importance of special education and show support for programs and for all staff serving students with disabilities.

   Principals:

   - assume responsibility for ensuring the effectiveness of special education programs in their schools and take part in special education planning and program development activities; and,

   - are directly responsible for supervising the IEP process in their schools.

   Principals and Special Education Administrators:

   - share responsibility for instructional leadership in special education programs.

   - emphasize the improvement of instruction and student performance through ongoing staff supervision, observation, and consultation;

   - provide sufficient time for all personnel who play a role in special education programming to communicate and consult with each other; and,

- schedule adequate staff time for non-instructional special education activities, e.g., IEP meetings.

Special Education Administrators:

- develop and maintain a knowledge base of regular education assessment, curriculum, and instruction and anticipate their potential impact on special education;

- consider state, local, and federal laws, regulations, policies, procedures, and priorities in developing uniform district policies, procedures, and plans;

- keep district personnel, school board members, parents and the community informed about special education policies, programs and procedures, new developments, and legal requirements;

- are skillful in resolving and managing conflict;

- ensure that administrative lines of authority and responsibility affecting special education services are specific and familiar to all district staff;

- provide appropriate guidelines, consultation, and coordinative support to facilitate the IEP process district-wide;

- ensure that adequate personnel, facilities, materials, and supplies are available to support effective special education programs;

- encourage the participation of students with disabilities in all school programs and activities;

- provide specific and relevant job descriptions for all special education staff;

- consult with building principals concerning the systematic observation and evaluation of regular and special education teachers and para-professionals who work with students with disabilities regarding their:

  practical knowledge of disabling conditions, instructional expertise and content knowledge, ability to engage children ineffective learning experiences, and efforts to improve their programs;

- manage the assessment and analysis of special education and related service needs of district students.

PARENT PARTICIPATION AND COMMUNITY AND INTERAGENCY INVOLVEMENT

Chapter 4

I. Parent Participation

A. Rationale

1. In regular and special education, it is important that school staff seek the participation of parents and ensure that parents are informed and understand the variety of ways they can be involved in their children's education. Participation is enhanced by communication approaches that seek to develop school-parent relationships based on mutual respect, provide clear and pertinent information, involve parents as instructional partners, seek parent input, and provide frequent information on student programs;

B. Indicators--School Staff should:

1. Distribute to all parents, in understandable terms, pertinent information related to special education, including parent and student rights, due process, IEP development and special programs.
2. Seek and develop relationships with parents based on mutual respect for their roles in achieving benefits for students with disabilities;
3. Avoid technical terminology;
4. Respect cultural differences;
5. Involve parents early in identifying and assessing existing or potential learning problems;
6. Regard parents as part of the team and value their contributions; consider all information supplied by parents in the decision-making process;
7. Maintain regular formal and informal communication to ensure coordination and consistency of goals and instruction at school and at home;
8. Listen to parents to demonstrate interest and concern which also helps to build positive relationships;
9. Be honest about programs and problems. Share concerns and caring, but clearly articulate the facts;
10. Set parameters and time limits on resolving critical issues.

C. Indicators--Parents support the partnerships by:

1. Actively participating in developing IEPs for their special children;
2. Providing information regarding placement and educational planning for their children;

3. Communicating often with teachers; showing interest in the school and believing that their children can achieve;

4. Encouraging their children to learn and having positive and realistic expectations for their childrens performance;

5. Providing help at home by carrying out instructional activities that reinforce knowledge, behavior, and successful skill objectives that their children are working on at school;

6. Serve as advocates of special education programs within the school system and generally supporting education.

II. Community Involvement

A. The district conducts an on-going public awareness program to inform the community about special education programs and services, successes and new developments, and the rights of students with disabilities and their parents.

B. Administrators, staff members, students, parents/guardians, and concerned members of the community communicate effectively concerning the needs of students.

C. Local business establishments are encouraged to provide accessibility and special services for persons with disabilities, e.g., wheelchair ramps, TDDs.

D. The special education program uses community resources and services, e.g., volunteers, field experiences, speakers, fiscal support, etc., to the extent available.

E. The school promotes community support to enhance effective education for students with disabilities.

III. Interagency Involvement

A. The district seeks to ensure a high level of cooperation and coordination with other community agencies through formal and informal agreements, meetings, and on-going correspondence in order to access services for special students.

B. The district makes use of services of various publicly financed agencies.

C. A district staff member is designated as the liaison between the school district and public and private community agencies.

D. School districts are provided with the policies and procedures of outside agencies with whom they cooperate in providing special education services.

E. Outside agencies are provided with local policies and procedures for the provision of special education services.

F. Appropriate agency representatives are invited to participate in multi-disciplinary team meetings regarding students who come under the care of their agencies.

G. School district staff work with staff of other agencies, parents, and students to plan and coordinate the transition of students from the school to other agencies upon completion of the school program.

387

THE INSTRUCTIONAL PROGRAM

Chapter 5

I. Rationale

A. Special education instructional programs should be appropriately derived from regular education curricula, and insure equal educational opportunities in the L.R.E. It should also provide for communication and coordination across various program components and help ease student transitions at every level.

II. Curriculum Indicators

A. Curricula are planned, developed, reviewed, evaluated, and revised cooperatively by district professionals.

B. Curricula establish clear relationships among learning goals and objectives, instructional activities, learning levels and student evaluations.

C. Regular education curricula are adapted to meet the needs of special education students.

D. Special education curricula are derived from the district's regular education curricula and allow for flexibility in addressing the needs of special students.

E. Special education curricula are designed to assist each student to develop relevant attitudes, knowledge and skills appropriate to his/her interests, abilities and needs.

F. The curriculum facilitates positive interaction and understanding among all students.

III. Program Coordination and Transitions

A. Regular, special and vocational education programs are effectively coordinated.

B. Ongoing communication and coordination exists between personnel of all agencies involved.

C. District procedures involve all parties from schools and other agencies to coordinate student transitions.

D. Student records are transmitted in a timely manner prior to student transitions.

E. Transition programs are designed to assist students who move from one special program to another or to regular education.

F. There are plans to follow-up those exiting special education or graduating.

IV. Continuum of Special Education Program Options

A. A full continuum of special education and related services is available in accord with the principle of L.R.E.

V. Program Evaluation and Improvement

A. Teachers and administrators strive to improve instructional effectiveness.

B. A systematic and comprehensive evaluation of special education is conducted including all aspects of the program.

C. Program evaluation purposes and procedures are clearly explained to all affected parties and broad participation exists.

D. A variety of formative and summative evaluation methods are used.

E. Measurement techniques used are reliable and valid.

F. Special education curricula, materials, evaluation, and instructional activities are reviewed regularly and modified as needed.

G. Program evaluation results are shared with appropriate audiences.

H. Evaluation and needs assessment data are used to make decisions and develop plans for improvement.

VI. Instructional Planning

A. Rationale

1. Instructional planning practices which support individualized programming and L.R.E. are central to an effective education for special students.

VII. Indicators

A. Student Screening, Identification, Pre-referral, and Referral

1. Screening and identification efforts include community awareness cooperation with other agencies, screening across all age levels, and ongoing screening procedures.
2. Pre-referral procedures include consultation and support to teachers and others in exploring alternative approaches prior to referral.
3. Referral procedures are specific and disseminated to all personnel, follow a written format including reason for referral and questions to be answered by the evaluation, assign specific responsibilities and protect the students rights.
4. The evaluation process includes an explanation to parents of tests and test procedures; and collection of background information from parents and professionals and observations of students educational, behavioral, and social

behavior at home and school; a comprehensive evaluation conducted by a multidisciplinary team; and observations by staff of students and proposed placement by staff and parents.

5. Evaluation procedures are age-appropriate and valid; include a variety of assessment methods and measures in addition to tests; assess the range of behaviors and cognitions targeted in the referral; are non-discriminatory; go beyond the purpose of labeling for placement to provide information for planning instruction; are administered by qualified personnel and minimize categorical labeling.

6. Evaluation results are supported by tests or observations and are clear and understandable; provide information to allow good decisions on eligibility, instructional strategies, related services, placement and long-range planning; are explained to school personnel, parents, and students including implications of placement and include recommendations regarding L.R.E. for both special and regular education.

VIII. Individualized Education Program (IEP)

A. State Department of Education policies and procedures are followed regarding IEP participants, process, and content.

IX. Student Placement

A. Placement and assignment to classes reflect an assessment of each students needs.

B. Placements are based on individual needs of students rather than program availability.

C. Placements are consistent with L.R.E.

D. Students are educated in the regular classroom unless conditions exist which prohibit it.

E. Placement decisions take into consideration the abilities and needs of the student and characteristics of the other students.

F. Students attend schools appropriate for their chronological age and if special class placement is appropriate, they are placed in close proximity to regular classes; the students are reintegrated into regular classes over time; and exit guidelines are used for reintegration.

G. Appropriateness of special education is monitored and interventions are made to correct problems.

X. Instructional Time

A. Rationale

1. Student performance is most directly and significantly affected by the quantity and quality of instructional time.

B. Indicators

1. Sufficient time allocation to accomplish school's educational goals:

    - organization of school calendar
    - evaluation of new programs prior to adoption
    - classes and activities begin on time and at same time for all students.

2. Effective use of time emphasized throughout school:

    - school events scheduled to avoid disruption
    - students taken out of regular classroom as little as possible
    - staff understanding of time use priorities and procedures designed to maximize learning time.

3. Instructional activities absorb majority of the day:

    - establish priorities for using class time
    - emphasize time in instruction
    - prepare students in advance for transitions.

4. Engaged time--Teachers:

    - gain and maintain students attention, monitor time on task
    - circulate among students to provide assistance
    - emphasize engaged time.

5. Organization of day for students with disabilities into reasonable flexible blocks of time allowing for effective instruction.

XI. Instructional Practices

A. Rationale

1. Instructional practices represent the delivery system for accomplishing the school's mission and meeting the individual needs of students.

B. Indicators (Organization of Instruction)

1. Staff/student ratios are manageable for academic and nonacademic programs/services.

2. Class size and caseload appropriate permitting staff to meet individual needs.

3. Number of students within program reflect state standards and support staff added as necessary.

4. Teachers diagnose academic needs, prescribe educational activities appropriate to student learning style and rate of learning.

5. Teachers utilize a variety of alternative instructional approaches.

6. Lesson plans are developed prior to instruction, based upon logical, sequential elements, including instructional resources teaching activities matching learning objectives.

7. To extent possible, learning in classroom is generalized and enriched through diversified activities.

8. Teachers utilize a variety of instructional grouping patterns.

9. Teachers teach students how to learn and value of learning.

C. Teaching Methods and Behaviors

1. Teachers prepare students for lesson (objectives).

2. Teachers describe relationship of current lesson to previous study.

3. Teachers provide overview of lesson activities, clear written and verbal directions.

D. During Instruction

1. Teachers allow sufficient time for demonstration, presentation, and explanation.

2. Teachers present new materials sequentially.

3. Teaching and learning activities utilize and involve all available senses.

4. Teachers summarize the main point(s) of lesson at end of lesson or activity.

5. Teachers afford student opportunity for guided practice prior to assignment of independent work.

6. Teachers check student learning for understanding.

7. Seatwork assignments are divided into small segments.

8. Teachers select problems and academic tasks well matched to lesson content.

9. Students are given practice activities emphasizing application of learned skills.

10. Teachers move among students when involved in seatwork.

11. Students master knowledge and skills before new material is presented.

12. When skills are mastered student moves to new material.

13. Teachers frequently review key ideas and skills throughout the year.

E. Post Instruction

1. Students are provided opportunity for independent practice.

2. Homework assignments are supportive of and reinforce learning.

3. Parents are told of student successes and their help to keep child involved in learning is requested.

4. Teachers evaluate student performance by objective standards, and rewards are appropriate to developmental level of students.

F. Implementation

1. Use of labels is minimized. Student is described in terms of educationally functional behaviors. Program relates to functional level of performance.

2. Each student is appropriately placed in the districts continuum of special education services.

3. Special education teachers utilize the IEP as guide for daily lesson plans.

4. Variety of instructional materials, methods, activities, adaptive equipment and evaluations are utilized to assist student in meeting goals and objectives.

5. Specialized materials and equipment required are provided.

6. Materials, equipment, activities utilized to implement curriculum are age, skill, and developmentally appropriate.

7. Regular education teachers provide appropriate support and adaptations are provided by IEP.

8. Instructional approaches, curriculum content and materials are coordinated with classroom programs.

9. Teachers and related services specialists assist students with daily living skills as necessary.

10. Each student receives appropriate direct or consultative related services.

11. Implementation of IEP (service delivery) is coordinated.

12. Parents are assisted and encouraged to participate in the implementation of child's IEP.

13. School staff monitor IEP implementation on on-going basis.

14. Students referred for possible special education services continue within their current placements until process of determining eligibility and need is completed. Referred students may be provided with modification of instruction services while process is being completed.

G. Student Integration

1. Interaction of student with disabilities is encouraged with non-disabled peers.

2. Students with disabilities have access and are encouraged to participate in vocational, intramural and extracurricular activities.

3. Amount of time and amount of integration of student matches IEP specifications.

4. Movement of students to less restrictive environments is encouraged and facilitated by districts continuum of services entry and exit criteria.

5. Students are given opportunities to go to the community for functional learning instruction and are accepted in school and community.

H. Student Evaluation Practices

(For All Students)

1. Progress and achievement are monitored.

2. Teachers use evaluations for formative purposes.

3. Evaluation of performance is based on mastery of defined learning objectives.

4. Teachers prepare and use valid, reliable instruments for student evaluation.

5. Students are informed of evaluation results.

6. Evaluation results are utilized to develop appropriate educational plans.

(For Students With Disabilities)

1. Progress is evaluated with respect to the objects specified on IEP utilizing:

   - valid and appropriate objectives
   - involving a wide range of techniques (formal/informal)

2. Annual program reviews are coordinated and in compliance with local policies and procedures

3. Results of annual IEP reviews are reported to and discussed with parents, school personnel, and other service providers

4. Results of student evaluations, IEP reviews and teacher reports utilized to make decisions regarding:

   - continuing students eligibility
   - need for special education
   - appropriateness of placement
   - need for change in instructional service

5. Grades and promotions are based on students' achievement of goals and objectives specified in IEP

PROGRAM AND STUDENT OUTCOMES

Chapter 6

I. Student Performances, Competencies, Behavior, and Attitudes

A. Rationale

1. Effective educational programming ensures the development of academic, vocational, and social competencies commensurate with each student's potential, and fosters high levels of student attendance and program completion.

2. Students with disabilities will develop the self-help and independent living skills that contribute toward a productive lifestyle and full participation in the life of the community.

B. Indicators

1. Attendance, graduation, dropout, and suspension rates of students with disabilities compare favorably with rates of regular education students.

2. Students with disabilities complete high school, graduating with a standard diploma or certificate of completion.

3. Students with disabilities develop academic competencies.

4. Students with disabilities develop competencies commensurate with abilities and interests.

5. Students with disabilities develop positive behaviors and attitudes.

6. Students with disabilities develop and express creative interests and talents.

7. Students with disabilities develop self-help and independent living skills.

II. Satisfaction

A. Rationale

1. School staff need to feel a sense of worth and challenge in the work they do and the impact they have.

2. Students need to feel good about their school experiences and satisfied with their progress.

3. Parents need to feel confident that the school programs will lead to successful achievement and positive benefits for their children.

4. Employers' willingness to hire graduates and their satisfaction with job performance of those graduates.

385

B. Indicators

1. Students with disabilities are satisfied with:
    a. the educational services they have received and feel that the special education, regular education, and vocational education programs have met their needs;
    b. their progress in school;
    c. the way they have been treated in school by the faculty, staff, and other students and with their level of integration with non-disabled peers.
2. Parents of children with disabilities are satisfied with:
    a. the special education program, procedures, and services provided for their children, and with their child's progress;
    b. their level of participation and involvement;
    c. the way their child is treated at school by faculty, staff, and other students;
    d. their child's integration with non-disabled students
3. School Staff: Teachers, Administrators, Program Specialists.
    a. Staff members express a sense of challenge and satisfaction in their professional roles and feel they make a difference, as a result of involvement in decision-making.
    b. Staff members are satisfied with the inclusion of students with disabilities within the regular education program, and have positive attitudes toward special education.
4. Employers
    a. Employers will express a willingness to employ students/graduates with disabilities, and are satisfied with the performance of these students and graduates.

III. Post-School Outcomes

A. Rationale

1. An effective education enables individuals to function successfully in society and be contributing members of the community.

B. Indicators

1. Special education graduates achieve the post-secondary options they desire, including continuing their education, entering job training, and/or finding and maintaining employment.

2. Special education graduates obtain sufficient income through employment and/or benefits to be as financially independent as possible.

3. Special education graduates achieve an independent lifestyle, becoming integrated into the community to the fullest extent possible.

DOCUMENT USE AND DEVELOPMENTAL HISTORY

Chapter 7

Effectiveness Indicators for Special Education (EISE) serve as a reference tool to improve the education of all students with disabilities.

Four primary uses for the Effectiveness Indicators have been specified by the National RRC Panel for Special Education. These are to:

1. Assist in setting goals, clarifying values and building consensus,
2. Serve as a basis for identifying or defining program evaluation questions,
3. Provide a resource for parent and staff development and training, and
4. Stimulate research and development activities.

Effectiveness Indicators for Special Education (EISE) can be used by various groups. An example of the anticipated most frequent uses are listed below.

Matrix of Primary Uses by User Groups

	Setting Goals	**Program Evaluation Criteria/Questions**	**Parent/Staff Training**	**Research Development**
Parent Groups	X		X	
Teacher Groups	X		X	
LEA Administrators	X	X	X	
SEA Administrators	X	X	X	X

Concerns and Issues

The process for using EISE is as important as the product itself. Both commitment and consensus must be developed by key people to include school staff, parents, students, and school board and other community members.

EISE represents the ideal for programs educating students with disabilities. Improvement is a long-term process that should not be expected to occur immediately.

Comparisons

It is not intended for use in comparing individual states, districts, or classrooms. It is intended as a tool toward excellence in education.

Evaluation System

It is not an evaluation document. It could be used as a basis for developing a local or state level evaluation system.

Level of Measurement

Indicators include both qualified items which can be measured with relative ease and qualitative items which are more difficult to measure. It is essential to agree on working definitions of these terms as well as standards and procedures.

Comprehensiveness of the Document

No program can address all indicators at the same time. EISE provides a menu for selection.

Placing Blame

Deficiencies should be identified with the positive perspective for improvement. The indicators should be used to identify and recognize effective programs.

Formative Evaluation

Improvement requires much time and effort. Premature decisions on initial outcome should be avoided.

Examples of Uses

Five projects are listed below

The Florida Experience called EESE. Florida will disseminate copies of Effectiveness Indicators for Special Education to all districts to assist them in identifying evaluation questions, criteria, and indicators that are applicable and validated at the local level.

The New Hampshire Special Education Project. The Special Education Division of the New Hampshire Department of Education is developing an evaluation system for assessing the effectiveness of special education programs in the New Hampshire school districts. A survey instrument was developed and mailed to 740 individuals in New Hampshire. They are continuing to develop and refine the project through pilot programs.

The SPEED/SMA Illinois Project. The three components of the process were:

1. Development of a "conceptual model" for defining a special education program.
2. Development of a generic set of "criterion statements for special education programs and services."
3. Development of processes and procedures to use the standards set by the generic "criterion statements" and specific program descriptions.

The process has led to a quality program evaluation system.

The Vermont Special Education Evaluation Project. This is a pilot program evaluation model with extensive program quality indicators. Over 1,600 professionals and parents assisted through a consensus building process.

Learning from the Example. It would have been beneficial for the group or agency to have had access to a reference tool as comprehensive as Effectiveness Indicators for Special Education.

Effectiveness Indicators for Special Education is intended to serve as a resource for all concerned groups for program refinement and development.

DEVELOPMENTAL HISTORY OF THE DOCUMENT

Effectiveness Indicators for Special Education (EISP) was facilitated through the Regional Resource Center (RRC) program which is funded by the U.S. Office of Special Education Programs.

In 1985, six RRC's conducted needs assessments in all fifty-eight State Education Agencies (SEA's). Thirty-five of the SEA's identified program evaluation as a persisting problem.

Four RRC's met as a task force with advice from other RRC's, the Research Committee of the Council of Administrators of Special Education and from some private firms. The task force proposed that a document be developed to serve as a reference tool to local and state with direct involvement of a broad-based panel of representative stakeholders.

After a review of the pertinent literature available, eight types of items were considered for inclusion in the compilation: "standard," "criteria," "goals," "objectives," "indicators," "documentation" or "evidence", "evaluation variables," and "evaluation questions." Materials were obtained from 13 states.

A representative panel was formed in February, 1986 and task force and panel merged. Panel members represented parents of children and youth with handicaps, Special Education Administrators, Special Education Administrators in SEA's, Chief State School Officers, teachers, and the participating RRC's.

The panel members were asked to:

1. Participate in face to face interactions and develop a reference document that addressed primary needs;
2. Share drafts of the documents;
3. Assist with dissemination.

The RRC Panel produced a comprehensive reference document with the following statement: An effective special education program is broadly defined as one that is characterized by an equitable, positive and successful school experience for students with disabilities and one that leads to equal access to society and a productive lifestyle.

The principals agreed upon the document should:

1. Reflect equal education opportunity;
2. Strengthen communication between regular and special education on program improvement efforts;
3. Emphasize effectiveness;
4. Highlight least restrictive environment and parent participation.

This summary is from the document that is still emerging.

OKLAHOMA SPECIAL EDUCATION PROGRAM EFFECTIVENESS SURVEY

Teacher Form

Purpose

The purpose of this survey is to assess and document public opinion of the program effectiveness for special education students in this school district.

Survey forms have been developed for school administrators, regular and special education teachers, and parents.

Results

The results of this survey will be used by this school district to determine strengths and weaknesses of special education programs and related services. The special services department will coordinate collection of the data.

Credits

This survey was created by an Oklahoma Directors of Special Services (O.D.S.S.) Taskforce (April, 1988), and is based upon the program effectiveness indicators found in *Effectiveness Indicators for Special Education*; a reference tool published by the National Clearing House for Rehabilitation Training Materials (1st Edition, 1986).

Directions

Please rate each item according to your personal and professional opinions. Please return the completed form to your building principal within three (3) days.

Thank you!

SPECIAL EDUCATION PROGRAM EFFECTIVENESS SURVEY

Teacher Form

School Year__________________

_____Regular _____Special

		Survey Indicators	Fair	Good	Excellent
I.	1.	IEP objectives are written in measurable terms consistent with student needs.	1	2	3
	2.	Procedural safeguards and student rights are protected.	1	2	3
	3.	Grading policies and procedures are clear for all special students.	1	2	3
	4.	Discipline policy for special education students is well defined.	1	2	3
	5.	Personnel are adequately trained on special education policies and procedures.	1	2	3
	6.	The district has a written philosophy of education which encourages professional and public support affirming the belief that all students can learn.	1	2	3
	7.	Goals are reviewed periodically to determine discrepancies between written priorities and actual outcomes.	1	2	3
	8.	The district policy reflects a commitment to the identification of "best practices" on a continuing basis.	1	2	3
	9.	Written policies and procedures include identification, prereferral and referral mechanisms.	1	2	3
II.	1.	Special programs are adequately staffed with qualified, trained personnel to meet individual student needs.	1	2	3
	2.	Financial resources are sufficient to support special education instructional programs at your site; (i.e., textbooks, appropriate materials, and supplies).	1	2	3

Survey Indicators	Fair	Good	Excellent
II. (cont.) 3. Financial resources are allocated for appropriate special education facilities, related services (equipment, psychological, physical therapy, speech therapy, etc.) needed to implement an effective program.	1	2	3
4. Sufficient number of administrative personnel are employed to provide support for the special education program.	1	2	3
5. Special classrooms are located within the regular school setting and not in isolated sections of the school or separate from the school.	1	2	3
III. 1. Team members actively participate in the achievement of IEP goals.	1	2	3
2. Communication is effective between special, regular staff, and parents.	1	2	3
3. Each site has a designated "facilitator" responsible for setting and conducting meetings.	1	2	3
4. Special services staff are cooperative with other building staff.	1	2	3
5. Time is provided for consultation between special and regular education staff.	1	2	3
6. Flexibility in the master schedule allows for individual student needs.	1	2	3
7. Building administrators support and encourage staff development in special education.	1	2	3
8. Regular, special education teachers, principals, and related service providers demonstrate support of the student's total educational program.	1	2	3
9. Special education and regular education teachers have developed a proactive behavioral management system for all students.	1	2	3
10. Participation of special education students is encouraged in all activities of the school.	1	2	3

		Survey Indicators	Fair	Good	Excellent
	11.	Special education is accepted as an integral part of the total educational program by all the staff.	1	2	3
	12.	Staff have high expectations for themselves, relative to student success.	1	2	3
	13.	Special education teachers are skillful in managing conflict.	1	2	3
	14.	Principals are skillful in managing special education related conflicts.	1	2	3
	15.	Special education administrators are skillful in managing special education related conflicts.	1	2	3
IV.	1.	Parents are encouraged to participate as important members of the IEP team.	1	2	3
	2.	Special education parents participate in effective communication with school staff.	1	2	3
	3.	Special education parents contribute to the total school program through their support of all school activities.	1	2	3
	4.	Parents are informed of student successes and are encouraged to become involved as instructional partners in reinforcing behaviors, skills, and knowledge.	1	2	3
V.	1.	Staff has realistic expectations for student achievement and behaviors.	1	2	3
	2.	Regular education curricula are adapted to meet the needs of special education students.	1	2	3
	3.	Curriculum is planned, developed, reviewed, evaluated, and revised cooperatively by district professionals.	1	2	3
	4.	Teachers use a variety of alternative instructional approaches.	1	2	3
	5.	Teachers instruct students in the strategies of learning and how to value learning as a life-long process.	1	2	3

	Survey Indicators	Fair	Good	Excellent
6.	Instructional activities for special education students comprise the majority of the day.	1	2	3
VI. 1.	Teachers monitor special education students for realistic progress.	1	2	3
2.	Principals are sensitive to the needs of special education students.	1	2	3
3.	Attendance, graduation, drop-out, and suspension rates for special education students compare favorably with rates of regular education students.	1	2	3
4.	Special education students develop self-help and independent living skills.	1	2	3
5.	Special education students develop academic competencies.	1	2	3
6.	Special education students are accepted by regular education teachers.	1	2	3
7.	Special education students are accepted by non-handicapped students.	1	2	3
8.	Rate the quality of the following related services	1	2	3
	Occupational Therapy	1	2	3
	Physical Therapy	1	2	3
	Transportation	1	2	3
	Speech Therapy	1	2	3
	Counseling	1	2	3
	Psychological Services	1	2	3
9.	Patrons are supportive of special education programs at your site.	1	2	3
10.	Regular education teachers are satisfied with the inclusion of special education students within the regular education program.	1	2	3
11.	Regular teachers have positive attitudes about special education programs.	1	2	3

OKLAHOMA SPECIAL EDUCATION PROGRAM EFFECTIVENESS SURVEY

Parents Form

Purpose

The purpose of this survey is to assess and document public opinion of the program effectiveness for special education students in this school district.

Survey forms have been developed for school administrators, regular and special education teachers, and parents.

Results

The results of this survey will be used by this school district to determine strengths and weaknesses of special education programs and related services. The special services department will coordinate collection of the data.

Credits

This survey was created by an Oklahoma Directors of Special Services (O.D.S.S.) Taskforce (April, 1988) and is based upon the program effectiveness indicators found in *Effectiveness Indicators for Special Education*; a reference tool published by the National Clearing House for Rehabilitation Training Materials (1st Edition, 1986).

Directions

Please return your completed form following your child's IEP meeting.

Thank you!

SPECIAL EDUCATION PROGRAM EFFECTIVENESS SURVEY

Parents Form

School Year ________

Child's Program: (Please check the appropriate level/area of handicapping condition.)

	Infant Stim.	MH	TMR	EMH	LD	Deaf HH	VI	DB	SED	OI	Speech
Preschool											
Elementary											
Secondary											

Please mark how you feel about your child's progress in the following areas by circling the appropriate answers. Mark NA (not applicable) if the phrase doesn't apply to your child.

Survey Indicators	N/A	Fair	Good	Excellent
1. Academic achievement	1	2	3	4
2. Social/Interpersonal skills	1	2	3	4
3. Daily living skills	1	2	3	4
4. Positive attitude	1	2	3	4
5. Productive work/study habits	1	2	3	4
6. Use of leisure time	1	2	3	4
7. Prevocational/vocational skills	1	2	3	4

8. Comments ____

____

____

Please check the answer that describes your opinion of the characteristics of staff members that work with your child.

1. Please rate the level of communication between you and the following:

	N/A	Fair	Good	Excellent
Special education teacher	1	2	3	4
Regular education teacher	1	2	3	4
Principal	1	2	3	4
Special education administrator	1	2	3	4

Comments ____

____

2. Please rate how the following individuals accept your child:

	N/A	Fair	Good	Excellent
Special education teacher	1	2	3	4
Regular education teacher	1	2	3	4
Other students	1	2	3	4

Comments ____

____

3. Please rate how comfortable you feel in sharing or receiving information from the following:

	N/A	Fair	Good	Excellent
Special education teacher	1	2	3	4
Regular education teacher	1	2	3	4
Administrator	1	2	3	4

Comments ____

____

4. I am an active participant in the development of my child's educational program (IEP).

_____Yes _____No

Comments: ______________________________

____

5. I understand that I have rights and responsibilities as the parent of a handicapped child.

_____Yes _____No

Comments: ______________________________

____

Please circle the answer that describes your opinion of the effectiveness of services your child receives.

	N/A	Fair	Good	Excellent
6. Special education classes are meeting my child's needs.	1	2	3	4
7. My child's educational needs are being met while in the regular classroom.	1	2	3	4
8. My child is mainstreamed with non-handicapped students to the maximum extent appropriate.	1	2	3	4

9. Rate the quality of the following services:

	N/A	Fair	Good	Excellent
Transportation	1	2	3	4
Physical Therapy	1	2	3	4
Occupational Therapy	1	2	3	4
Counseling	1	2	3	4
Speech Therapy	1	2	3	4
Psychological Services	1	2	3	4

Explain ______________________________

____

SPECIAL EDUCATION PROGRAM EFFECTIVENESS SURVEY

Administrators Form

Rating

Survey Indicators	Fair	Good	Excellent
I. 1. IEP objectives are written in measurable terms consistent with student needs.			
2. Procedural safeguards and student rights are protected.			
3. Grading procedure is clear for all special students.			
4. Discipline policy for special education is well defined.			
5. New personnel are adequately trained in special education policies and procedures.			
II. 1. Special programs are staffed and equipped to meet individual student needs.			
2. Rooms are available for related service providers.			
3. Financial resources are sufficient to support special education programs at your site.			
III. 1. Your entire staff participate in achievement of IEP goals.			
2. Communication is good between regular teachers and students.			
3. Special services staff are well qualified.			
4. Each site has a designated facilitator responsible for setting and conducting meetings.			
5. Building administrators cooperate with the director of special services.			
6. Special services staff are knowledgeable of appropriate rules and regulations.			
7. Special services staff are cooperative with site employees.			
8. Special education personnel are given time to consult with regular education teachers.			

SPECIAL EDUCATION PROGRAM EFFECTIVENESS SURVEY

Administrators Form

Survey Indicators	Rating Fair	Good	Excellent
9. The master schedule is flexible to allow for individual student needs; i.e., cooperate with special education, regular education and others.			
10. Building Administrators support and encourage staff development in special education.			
11. Regular education and special education teachers and service providers demonstrate support of the students total program.			
12. The principal and special education director share the responsibility for instructional leadership of special education programs.			
13. Special and regular teachers have developed a proactive behavioral management system for all students.			
14. Responsibilities of principals and director of Special Services are well delineated relative to special education.			
15. Evaluation criteria for special teachers is clearly delineated.			
16. Special education staff are prompt and accurate in preparation of records and reports.			
17. The entire staff supports the participation of special education students in all activities of the school.			
18. Service providers are encouraged to actively participate in the IEP process.			
19. Special education is accepted as an integral part of the total educations program by all of the staff.			
20. Staff have high expectations for themselves.			
21. Special education staff/administrators are skillful in managing conflict.			

SPECIAL EDUCATION PROGRAM EFFECTIVENESS SURVEY

Administrators Form

	Rating		
Survey Indicators	**Fair**	**Good**	**Excellent**
IV. 1. Special education performance levels are measured and analyzed annually for appropriate growth.			
2. Administration manages the assessment and analysis of special education and related service needs of district students.			
V. 1. Staff has realistic expectations for student achievement and behaviors.			
VI. 1. Special students are accepted by regular teachers and students			
2. Quality of related services (O.T., P.T., Transportation, Speech, etc.).			

16 HEALTH OR SAFETY STANDARDS FOR FACILITIES

16.1 This district shall comply with federal health or safety requirements that apply to the facilities used in this project.

17 COMPLIANCE WITH STATUTES, REGULATIONS, STATE PLAN AND APPLICATIONS

17.1 This district shall comply with the state plan and applicable statutes, regulations, and approved applications, and shall use federal funds in accordance with those statutes, regulations, plans and applications.

17.2 The district may achieve this by:

A. Conforming to class size/case load policies;

B. If appropriate, providing a trained paraprofessional in the teaching of handicapped children categorized multihandicapped and/or deaf-blind;

C. If appropriate, providing homebased programs which permit instruction outside the school setting;

D. Participating in the annual 94-142/89-313 child counts in a manner consistent with the following:

On December 1 of each year, this district shall conduct a child count and report the data to the Special Education Section. All handicapped children with an Individualized Educational Program (IEP) which is being implemented as of December 1st, will be counted. Only students who are legal residents of this district will be counted on 94-142 unless exceptions exist in litigation.

This count will be unduplicated and documentation will be kept that ensures the following children are NOT counted:

1. Handicapped children who have been evaluated by a public agency but are not receiving special education and related services on December 1, as required [34 CFR 300.751];

2. Handicapped children who are not ENROLLED in a school or program operated or supported by a public agency; and

3. Handicapped children who are not provided special education and related services that meet state standards as required by [34 CFR 300.753];

4. This district will maintain a copy of the child count master list(s) for a minimum of five years;

5. The category (ies) listed on child count are synonymous with the child's categorical form;

6. 89-313 Only: This district will count a) students, previously attending a state operated facility for 180 days b) students currently enrolled in a state operated facility that are transported daily. This district will not count "full time" residential;

E. Completing all necessary fiscal program/data requirements;

1. EHA-B Application

   (1) Part 1 - DistrictPlan

   (2) Part 2 - Budget (if applicable)

2. 89-313 - (if applicable)

3. Preschool Incentive

4. Annual Data Report

F. Comprehensive System of Personnel Development (CSPD)

In accordance with the requirements of the State Annual Program Plan for Special Education, it is assured that the following steps will be taken to implement CSPD:

1. Establish a CSPD Committee

	Name	Position/Function
Chairperson	______________	______________
Administrative Representative	______________	______________
Spec. Educ. Teacher	______________	______________
Parent of Handicapped Child	______________	______________
Vo-Tech Representative	______________	______________
Other (Optional)	______________	______________

2. Conduct an Annual Needs Assessment committee. The committee will ensure:

   a. The identification of inservice training needs of personnel of area agencies and organizations providing services to handicapped children and the provision of appropriate inservice training programs as indicated in a formal needs assessment.

   b. The establishment of effective procedures for acquiring and disseminating to teachers and administrators significant educational information derived from exemplary demonstration projects, research and similar projects.

3. Implement inservice training (as indicated by Annual Needs Assessment) to appropriate personnel. The CSPD committee will function so as to accept input from representatives of agencies and organizations providing services to handicapped children as indicated below:

   a. Regular Teachers (Elem./Sec.)
   b. Special Teachers (Elem./Sec.)
   c. Administrators
   d. Vo-Tech (Administrators-Instructional Personnel)
   e. Support Personnel
   f. Related Services Personnel
   g. Parents
   h. Paraprofessionals/Teacher Assistants
   i. Head Start/Day Care
   j. Private/Parochial Schools
   k. Institutions of Higher Education
   l. Other; e.g. medical personnel, volunteers, guidance centers

4. The CSPD committee will review and annually update the above procedures.

G. Providing delivery of special services to include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the individualized education program and the IWRP [PL 93-112].

H. This district ensures that it will provide services in conformity with approved application to students through:

1. ECHO

2. Deaf-Blind

3. Visually Handicapped

I. This district ensures that records related to grant funds and for compliance must be kept for a minimum of five years. This includes, but is not limited to child count master list, application for funds, CSPD records, past monitoring reports/corrective action plans, etc.

18 ADMINISTRATION/SUPERVISION OF EACH PROJECT

18.1 This district certifies that it shall directly administer or supervise the administration of each project.

19 COMPLIANCE RECORDS

19.1 This district shall keep records to show its compliance with program requirements.

20 ACCESSIBILITY

20.1 This district's program, when viewed in its entirety, is readily accessible to handicapped persons. (Not every building or part of a building need be accessible, but the program as a whole is accessible).

A. In selecting alternative plans to make programs accessible, this district has given priority to those methods which allow handicapped persons to participate in programs/activities in settings which are the most integrated or are in the least restrictive environment appropriate.

B. If structural changes were needed to achieve program accessibility, this district has developed a transition plan. This district __________ has or __________ has not developed a transition plan. (If the district has developed a transition plan, the following paragraphs, C, D, E and section 20.1 have been addressed with information provided.)

C. The transition plan was developed with the assistance of handicapped persons or organization serving as an advisory group.

D. The transition plan is available for public inspection [34 CFR 104.22]

This plan shall at a minimum:

1. Identify physical obstacles in the recipients facilities that limit the accessibility of its programs or activities to handicapped persons:

____
____
____
____

2. Describe in detail the methods that will be used to make the facilities accessible.

____
____
____
____

3. Specify the schedule for taking the steps necessary to achieve full program accessibility; and

____
____
____
____

4. Identify the person responsible for implementation of the plan.
__________________________ is responsible.

E. This district has implemented procedures that provide interested persons information as to the existence and location of services, activities and facilities that are accessible to and usable by handicapped persons.

1. This information is available to persons with impaired vision or hearing.

20.2 This district will design, construct or alter all facilities in such a manner that the facility or part of the facility is readily accessible to and usable by handicapped persons if the construction commenced after 1973.

SUBMISSION STATEMENT AND CERTIFICATIONS

EHA-B
DISTRICT PLAN ASSURANCE
Fiscal Year 1991-93

As Chief Administrative Officer of ______________________________ Public Schools, I assure by my signature the implementation of all Special Education policies and procedures established in this District Plan, Part I of EHA-B Application.

____
Typed Name and Title

I certify that the foregoing information is true and correct.

____
Signature of Chief Administrative Officer

____
Notary Public

Subscribed and sworn to before me this ______ day of ____________________, 19________.

My Commission Expires ____________________, 19________.

(Seal)

Must be signed and notarized--SDE copy of plan must have *original*.

SPECIAL EDUCATION
POLICIES AND PROCEDURES
MANUAL
for use
of
FEDERAL FUNDS

Prepared by

SPECIAL EDUCATION SERVICES

Oklahoma State Department of Education
Gerald E. Hoeltzel
State Superintendent of Public Instruction

1991

SPECIAL EDUCATION FUNDING
POLICIES AND PROCEDURES
MANUAL
For
Use Of
FEDERAL FUNDS

I. FLOW-THROUGH
II. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT
III. PRESCHOOL (3-5)
IV. P.L. 89-313

The Oklahoma State Department of Education, in compliance with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, Section 504 of the Vocational Rehabilitation Act of 1973, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, handicap, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admission, employment, financial aid, educational and counseling services.

POLICIES AND PROCEDURES FOR FUNDING APPLICATIONS

Table of Contents

Introduction 1

Timelines for Submission of Application 1

Requirements for the Use of Federal Funds 2

  I. Flow-Through and Preschool Funds (3-5) 2

  II. P.L. 89-313 2

  III. Comprehensive System of Personnel Development (C.S.P.D.) 5

Policies for Use of Special Education Federal Funds 6

Policies on Use of Carry-Over Funds 7

Regulations for Fiscal Procedures 7

Policies on Use of P.L. 89-313 8

LEA Responsibilities 10

Cooperative District Arrangement for Consolidated Applications 11

Allowable Expenditures 13

Salaries 14

Project Personnel Certification Requirements 15

Contracted Services 15

Travel 16

Comprehensive System of Personnel Development (C.S.P.D.) 16

Materials and Supplies 18

Equipment 19

Other Expense 20

Procedures for Review of Applications 22

Application Review Process Flow-Chart 24

Attachment: Suggested Needs Assessment for District Compliance

INTRODUCTION

Federal legislation enacted in 1975 (Education for All Handicapped Children Act, Part B amended, P.L. 94-142, P.L. 98-199 and P.L. 99-457) provides funds for special education and related services to local education agencies through the State Department of Education. For FY 1991, most EHA-B monies will be awarded on the basis of non-competitive application. Local education agencies generate monies on the number of handicapped children counted as served on December 1. Funds are awarded to the State Department of Education by the U.S. Department of Education, Special Education Programs (SEP), to "flow-through" to local education agencies contingent upon local education agency application for funds (34 CFR 300.706). Flow-through funds, which are 90% of the funds received from SEP, will be awarded on a formula which is based on the number of children served. Each child served will generate a specific amount for flow-through funds.

Comprehensive System of Personnel Development (C.S.P.D.) funds are earmarked within the flow-through project amount. Each child served will generate a specific amount. Inservice activities are based on the needs assessment from each local C.S.P.D. committee.

Preschool (3-5) funds are also earmarked within the flow-through project amount and will be awarded on a formula which is based on the number of children served. Each child served will generate a specific amount for preschool (3-5) funds.

TIMELINES FOR SUBMISSION OF APPLICATIONS

FLOW-THROUGH FUNDS	Applications are to be submitted to Regional Education Service Centers on or before July 1, 1990. Final letter of entitlement will be mailed upon application review and approval by Special Education Services, State Department of Education Administration, and the EHA-B Advisory Panel. Flow-through funds include current and carry-over Part B (school age and preschool 3-5), current and carry-over CSPD monies, and current and carry-over P.L. 89-313 funds.

REQUIREMENTS FOR THE USE OF SPECIAL EDUCATION FEDERAL FUNDS

I. Flow-Through and Preschool (3-5) Funds

A. Federal Requirements

1. Must generate a minimum of $7,500. (34 CFR 300.190)

2. Must be of sufficient size and scope, as determined by the State Department of Education, to effectively meet the educational needs of handicapped children. (34 CFR 300.190)

3. Meet the excess cost requirements. (34 CFR 300.183)

A local education agency may only use funds under Part B of the Act for the excess costs of providing special education and related services for handicapped children. The local education agency must provide assurance on behalf of all cooperative members for having met the excess cost requirement on page 3 of the application for funds. Excess cost will be computed by the State Department of Education and a copy mailed to your district.

B. State Requirements

The local education agency application consists of two parts: Part I--District Plan for Special Education, and Part II--Application for Funds.

1. Districts making application for funds will be required to submit a District Plan **WITH** the Application for Funds. **EACH** district participating in a cooperative must submit a district plan **WITH** the local education agency's Application for Funds.

2. Districts **NOT** making application for funds will be required to submit Part I--District Plan for Special Education no later than August 31, 1990.

3. Definitions for priority areas are on the following pages.

II. P.L. 89-313

A. Federal Requirements

1. Students must have been previously enrolled in a state-operated or state supported school for no less than 180 days and now receiving special education services from a local education agency.

DEFINITIONS OF PRIORITIES

When making application for EHA-B, the following priority areas should be followed:

Continued and expanded efforts to identify and provide Special Education and Related Services for first and second priority children.

FIRST PRIORITIES

Ages 3 through 18 – Unserved

Unserved - Handicapped children who are not receiving any type of education. (Out of school)

Ages birth through 2 – Severely Handicapped Unserved

Ages 19 through 21 – Severly Handicapped - Handicapped children who are functioning at 50% below normal expectancy. (Deaf/Hard of Hearing, Multi-handicapped, Visually Impaired, Trainable Mentally Handicapped, Orthopedically Impaired, Deaf/Blind)

Ages 3 through 18 – Unserved with moderate then milder handicapped conditions

(a) These are handicapped students who are not receiving any education at all and whose handicapping conditions do not place them in the severe categories as listed above.

(b) These milder then moderate categories would be EMH, ED, LD, OHI, and Speech Impaired.

SECOND PRIORITIES

Ages 3 through 18 – Inadequately served beginning with the most severe in each category.

(a) These students may be defined as students in regular classes who are not yet identified as handicapped who are in need of special education and related services. Prioritized from most severe to least severe.

(b) Handicapped students receiving special education who are in need of related services or additional related services. Prioritized from most to least severe.

Related services are as follows: Audiology, Counseling Services, Early Identification, Medical Services, Occupational Therapy, Parent Counseling and Training, Physical Therapy, Psychological Services, Therapeutic Recreation, School Health Services, School Social Work, Speech Pathology, Transportation.

Ages 19 through 21 – Inadequately served from most to least severe.

(a) These students may be defined as students in regular classes who are not yet identified as handicapped who are in need of special education and related services who have had less than 12 years of education. Prioritize from most severe to least severe.

(b) Handicapped students receiving special education who are in need of related services or additional related services. Prioritized from most to least severe. Related services are as follows: Audiology, Counseling Services, Early Identification, Medical Services, Occupational Therapy, Parent Counseling and Training, Physical Therapy, Psychological Services, Therapeutic Recreation, School Health Services, School Social Work, Speech Pathology, Transportation.

Ages birth through 2 – Unserved, Not Severely Handicapped

(a) These are children who are not receiving any type of education and whose handicapping conditions do not place them in the severe categories of D/HH, MH, VH, TMH, OI, D/B.

Child Identification - This priority area of service would be the location, identification, and evaluation of handicapped children.

C.S.P.D. – This priority area of service would be for the identification of training needs of personnel providing services to handicapped children and to provide training for:

Regular Teachers (Elem./Sec.)
Special Teachers (Elem./Sec.)
Administrators
Vo-Tech (Administrators-Instructional Personnel)
Support Personnel
Related Services Personnel
Parents
Aides
Headstart
Guidance Centers
Day Care
School Health Services (Nurse)
Other

III. C.S.P.D. FUNDS

A. Distribution of Funds

Comprehensive System of Personnel Development (C.S.P.D.) funds are included in the Flow-Through project application.

C.S.P.D. (Inservice) monies will be claimed on a separate expenditures report at the end of each quarter.

Planning Option: If recommended by Co-op coordinators and local C.S.P.D. chairpersons, a percentage of local funds may be "pooled" and earmarked to support region-wide training programs.

B. Plan Development Procedures

Local C.S.P.D. staff development committees will complete a **Needs Assessment** and develop or plan for C.S.P.D.

Activity forms validating projected planning for inservice monies are a part of the Flow-Through application. Only fiscal agents of Flow-Through projects make direct application to the State Department of Education for funds.

POLICIES FOR USE OF SPECIAL EDUCATION FEDERAL FUNDS

1. A project activity revision will be required when changes are made in originally approved project activities and indicate on the form that it is a revision.

2. Cash amounts are **NOT** to be disbursed to individual schools participating in cooperative programs unless the funds and their use is justified and approved in the project application by the SDE.

3. LEAs must be able to account for federal funds used by a cooperative. Therefore, if the LEA is not going to use any of the services of the cooperative in a particular year, it may NOT use its federal funds to contribute to the cooperative that year.

4. LEAs receiving preschool (3-5) funds may use any flow through funds that had previously supported preschool programs to supplement school-age programs.

POLICIES ON USE OF CARRY-OVER FUNDS

1. Flow-Through funds (including C.S.P.D. Inservice) **ONLY** may be carried over into the next fiscal year for use in approved programs for the next school year.

2. Flow-Through funds carried over should be budgeted and expended first, within the first quarter preferably, before new funds should be expended.

3. If districts participating in a cooperative program withdraw from the cooperative or if the cooperative breaks up entirely, the disbursement and use of any remaining carry-over funds will be dispersed on a per child basis if no formal written agreement to do otherwise exists.

4. **NO CARRY-OVER will be allowed with Preschool (3-5) Funds.**

REGULATIONS FOR FISCAL PROCEDURES

I. ACCOUNTING PROCEDURES

A. Each district LEA must keep an adequate accounting system which shows cash received and disbursed under the project, and the amount of paid and unpaid obligations as approved in the project.

B. Separate accounts for Flow-Through, C.S.P.D. Preschool, and P.L. 89-313 must be maintained. Each funding source should be coded separately from other funding sources in order to avoid commingling of funds (300.145).

II. PAYMENT PROCEDURES

A. **Flow-Through** fund applicants will receive one-fourth of FY 91 funds. **The release of these and Preschool (3-5) funds to districts depends on State Plan approval and the release of funds from the Office of Special Education Programs.** Payment of all quarterly claims will be paid upon receipt of documentation for excess of original amount received.

B. **P.L. 89-313 Projects** approved by the State Board of Education will receive funds based on the reimbursement method of expending funds and claiming those expenditures at the end of each quarter.

III. WITHHOLDING OF PAYMENTS

Whenever the State Department of Education, after reasonable notice and opportunity for a hearing to any LEA, finds that there has been failure to comply substantially with any assurance signed by the LEA or in the application of funds approved by the Special Education Section and the State Board of Education, the LEA will be notified that further payment of EHA-B funds may not be made until the SDE is satisfied that compliance has been re-established. Once compliance has been re-established, an LEA is eligible for further funds providing compliance is maintained.

II. P.L. 89-313 Funds for Deinstitutionalized Students for LEA's

A. Application Requirements

1. The same federal funds application (Part II) as used for all federal funds will be used for 89-313 (Deinstitutionalized students) funds.

2. P.L. 89-313 funds cannot be channeled through a fiscal agent other than the district serving the child.

3. If LEA is participating in a particular cooperative program with their flow-through, C.S.P.D. and preschool funds, that LEA will need to complete only the portion of application that is applicable to their 89-313 funds.

4. All handicapped children in the State participating in programs and projects funded under this subpart receive a free appropriate public education and such children and such children's parents are provided all the rights and procedural safeguards under Part B of the Education of the Handicapped Act and/or Part H as is applicable.

5. In addition to the submission of the application (part II), a form must be completed on each student counted on the December 1, 1989 child count with (a) Name of student, (b) Birthdate, (c) Handicapping category, (d) Name of institution child transferred from, (e) Length of stay at institution. (form provided at end of application).

B. Uses of Funds

General Rule - Programs, and projects authorized under this subpart may include, but are not limited to---

1. Services provided in early intervention, preschool, elementary, secondary, and transition programs;
2. acquisition of equipment and instructional materials;
3. employment of special personnel;
4. employment of educational aides;
5. training in the use of assistive devices and other specialized equipment;
6. training of teacher, parents of handicapped and nonhandicapped children, employers and independent living personnel and other personnel;
7. outreach activities to identify and involve handicapped children and their families more fully in a wide range of educational and recreational activities in their communities;
8. transportation under certain circumstances; and
9. planning for evaluation of, and dissemination of information regarding such programs and projects assisted under this subpart.

IV. EXPENDITURE REPORTS AND PERFORMANCE REPORTS

A. Quarterly reports will be required. Specific instructions and forms for expenditure reports and budget revisions for each funding source will be sent following approval of applications.

B. Special Education data reports will be required to be submitted to the SDE prior to the end of the fiscal year. The appropriate forms will be provided by the SDE.

C. All expenditure records should be retained for five years within the agency.

V. AUDITING PROCEDURES

Annual audits of financial transactions and accounts of each Local Education Agency are required by Oklahoma State Statutes (70-22-103). Federal regulations (OMB Circular A-102, Attachment P) require a financial and compliance audit of all programs receiving federal funds. These regulations (34 CFR Part 74) ensure that audits be made on an organization-wide basis rather than a grant-by-grant basis and according to the standards and procedures expressed therein.

LEA RESPONSIBILITIES
Single and Cooperative Districts

(Fiscal Agent for Funds)

Before accepting the responsibilities to act as the fiscal agent or local education agency of a project from special education funds, the following points should be taken into consideration.

1. If Federal funds are not received until later in the school year and project personnel are employed and services rendered, the local education agency may be faced with:
   (a) Operating the project out of the general fund until federal funds are received, if fund recipient is single district.
   (b) Assessing other districts if participating in a cooperative program to help pay their pro rata share of the costs of implementing the project.
   (c) Issuing non-payable warrants for which special education funds **CANNOT** be used to pay for the interest incurred, if fund recipient is single district.
2. As the fiscal agent for a cooperative, the revenues necessary to operate a joint program approved in cooperative agreements,whether from federal, state or local sources, including the individual contributions of participating school districts, shall be deposited into a fund separate from all other appropriated funds. The beginning fund balance each year, combined with all revenues, must be appropriated before being expended. Purchase orders shall be issued against available appropriations and, once goods or services have been received, warrants shall be issued in payment of all purchase orders. The fund shall be reported as a separate appropriated fund in all the financial reports of the school district which is chosen by the other school districts to keep the accounting records of the joint program.
3. As the fiscal agent for special education funds, you will be responsible for completing quarterly expenditure reports, and other information requested by the state education agency.
4. Project personnel employed partially with special education funds and other state or local sources and who are listed on your personnel report draw tenure with your school as required by state law. A question to consider is as follows:
   (a) If you are the local education agency for a cooperative project and the cooperative project dissolves, who is responsible for the tenured project personnel?
5. Matching teacher retirement payments must be made proportionately as is applicable to each fully or partially special education federally funded teacher.
6. In the case of any legal fees or court costs as a result of suits filed against the local education agency or Due Process Hearings held, special education funds **CANNOT** be used to pay for the costs. The burden of costs rests with the local education agency and if in a cooperative program with the other districts participating in the cooperative program.
7. Project personnel employed with special education funds and who are on the LEA's personnel report must be **EVALUATED** as required by state law.
8. The following areas should be taken into consideration when planning special education programs. These suggestions are provided to help schools who participate in cooperative Special education programs to understand their responsibilities.
   (a) Planning for services.
   (b) Amount of services to each district of a cooperative program.
   (c) Location of services.
   (d) Amount of revenue to pay personnel and costs of program operation.
   (e) Transportation responsibilities.
   (f) Employment and termination responsibilities
   (g) Personnel administration.

COOPERATIVE DISTRICT ARRANGEMENT FOR CONSOLIDATED APPLICATIONS

Type 1: Districts who voluntarily **choose** (although they have generated $7,500 or more) to pool their special education federal funds for the purpose of coordinated, multi-district special education and related services.

Type 2: Districts who **must** (because they generate less than $7,500) form a cooperative project in order to be eligible to make application for funds and provide special education and related service program with special education federal funds.

SUGGESTIONS FOR ESTABLISHING COOPERATIVE DISTRICT PROJECTS

Step 1: Each district will receive information from the state education agency regarding the number of handicapped children served, amount per child, and the total amount of special education federal funds generated.

(a) Once this information has been received, the district may start to plan on how these funds will be utilized.

(b) The district may be able to apply for funds as a single district by generating $7,500 or more or may form a cooperative program following Type 1 or 2 as indicated above.

Step 2: School districts conduct a needs assessment and determine the alternatives for receiving funds.

(a) If the districts determine a cooperative program is the best alternative or necessary alternative to funding, they may decide to form a cooperative.

(b) Cooperatives may be formed on the following basis:

(1) Multi-county
(2) County
(3) Multi-district (2 or more)

(c) If the districts choose or must form a cooperative program for funds, a letter of intent to participate should be signed by each district who will participate in the cooperative program.

Step 3: Participating cooperative districts may choose to establish an administrative board composed of a certain number of participating district administrators to help make administrative decisions regarding fiscal responsibilities, personnel, expenditure of funds, etc.

Step 4: Participating cooperative districts elect one local education agency to act as the fiscal agent for funds and may decide to employ a project coordinator to write and coordinate the project.

431

Step 5: Participating cooperative districts or administrative board meet to complete required application forms for special education federal funds.

Step 6: Application for special education federal funds is submitted to the State Department of Education for approval.

Step 7: Once application is approved by the State Board of Education and monies are received from the office of Special Education Programs, special education federal funds are released on a quarterly basis to the local education agency.

Step 8: Participating cooperative districts must establish guidelines for the disbursement and use of any remaining carry-over funds and/or equipment and supplies should the cooperative dissolve. (Carry-over funds will be dispersed on a per child basis if no formal agreement has been established by the cooperating districts.)

Step 9: Communications regarding project approval, funding, etc., will be between the State Department of Education and the local education agency serving as fiscal agent unless specified otherwise.

Step 10: The revenues necessary to operate a joint program approved in a cooperative agreement, whether from federal, state or local sources, including the individual contributions of participating school districts,shall be deposited into a fund separate from all other appropriated funds. The beginning fund balance each year, combined with all actual revenues, including collected and estimated revenues, must be appropriated before being expended. Purchase orders shall be issued against available appropriations and, once goods or services have been received, either payable or nonpayable warrants shall be issued in payment of all purchase orders. The fund shall be reported as a separate appropriated fund in all the financial reports of the school district which is chosen by the other school districts to keep the accounting records of the joint program.

ALLOWABLE EXPENDITURES

I. Funds may be used in the following areas:

A. **Direct Services** (New or Continued)

1. Programs: Teacher/Pupil

B. **Indirect/Support Services** (New or Continued)

1. Consultive or "back-up" personnel providing direct assistance to teachers who have handicapped students with IEPs.
2. Aides/trained paraprofessionals

C. **Related Services**

1. Speech or language pathology and audiology
2. Psychological services
3. Physical and occupational therapy
4. Recreation/therapeutic
5. Early identification and assessment of disabilities in children
6. Counseling services
7. Medical services for diagnostic or evaluation purposes
8. School health services
9. Social work services in schools
10. Parent counseling and training
11. Transportation

D. **Miscellaneous Activities**

1. Materials
2. Equipment
3. Inservice
4. Other

II. Proposed Budget Expense Classifications and Specific Allowable Expenditures

A. Allowable expenditures are indicated below by the expense classifications as they are listed on the proposed budget.

1. Salaries--professional and nonprofessional
2. Contracted services
3. Travel
4. Inservice
5. Materials and Supplies
6. Equipment
7. Other expense

B. Carry-over and current year funds must be separated on the budget forms provided in the application.

C. Flow-through, Preschool (3-5), P.L. 89-313, and Comprehensive System of Personnel Development (C.S.P.D.) funds must be separated on the budget forms. Page 6 and/or 7 for flow-through, page 8 and/or 9 for CSPD, page 10 for Preschool (3-5) and page 11 and/or 12 for 89-313.

SALARIES

Professional and Nonprofessional

Personnel must be detailed on the proposed personnel page. (Page 13 of the application for funds.)

A. **100 Administrative Series**

Salary for a **CERTIFIED** special education person to coordinate project activities and the salary of their secretary or clerical assistant.

B. **200 Instruction Series**

1. Salary of project coordinator
2. Salaries of special education teachers
3. Salaries of related service personnel, i.e., psychologists, psychometrists, school social workers
4. Salaries of teacher assistants/trained paraprofessionals
5. Salaries of secretarial and clerical personnel for services for project personnel

C. **400 Health Services Series**

1. Salaries of related service personnel, i.e., audiologists, school nurses, occupational therapists, physical therapists
2. Salaries of aides for health service personnel, i.e., occupational therapist aide, physical therapist aide.

D. **500 Pupil Transportation**

Salaries of drivers of pupil transportation vehicles, i.e., full-time, part-time, and prorated portions of salaries.

E. **800 Fixed Charges Series** (Do not include any employees' salary deductions. They are recorded under the appropriate salary account.)

1. School district contribution to employee retirement
2. Social security
3. Employee insurance
4. Workman's compensation
5. Unemployment

PROJECT PERSONNEL

Certification Requirements

Professional personnel paid in full or in part from special education federal funds must be appropriately certified through the State Department of Education.

Persons employed as project coordinators and/or child find persons must hold a valid Oklahoma Special Education Certificate.

CONTRACTED SERVICES

A contract is an agreement between two or more parties to perform a certain service for specified consideration (money or services) in return.

1. Contracted services are allowable expenditures for services provided by personnel **who are NOT on the district personnel report** and the amount of the contracted services includes all related expenses covered by the contract.
2. Contracted services must be detailed on the following contracted services page. (Page 14 of the application for funds.)
3. The amount of funds shown on the contracted services page must be the same amount shown in the budget for contracted services

A. 100 Administration Series

1. Prorated amount of contractual fee for federally mandated audit compliance as applicable to special education programs supported by the special education federal monies.

B. 200 Instruction Series

1. Speech or Language evaluations
2. Psychological evaluations

C. 400 Health Series

1. Occupational therapists
2. Physical therapists
3. School health services (nurse)
4. Therapeutic recreation
5. Audiological evaluations
6. Vocational technical education evaluations

NOTE: Agreements for services provided in any categories indicated above **MUST BE MADE IN WRITING** (contract) in order to avoid disagreements over services and aid in the provision of services.

D. 500 Pupil Transportation Series

1. Payment to parents for transporting their children and groups of children.
    a. Suggested reimbursement is 24 cents a mile (state rate).

NOTE: A written agreement (which includes the number of miles to be traveled and amount per mile for reimbursement) is suggested to document efforts to provide appropriate transportation.

TRAVEL

A description of how travel will be claimed, destination and purpose of travel, for project personnel is to be included on the travel expenditure page. (Page 15 of the application for funds.)

A. **100 and 200 Instruction Series**

1. Travel incurred by administrative, instructional and support personnel which includes travel in connection with everyday instructional activities and travel to conventions, meetings, and workshops.

2. Travel can be paid to personnel employed in the project.

3. Special education funds may be used to help pay part of the travel costs for other instructional personnel or support personnel not employed with project funds such as work-study coordinators and/or itinerant teachers.

B. **400 Health Services Series**

SEE ABOVE.

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (INSERVICE)

A. **Guidelines for Inservice**

100 and 200 Series

1. Consultant fees: $150 per day, $50 preplanning (once per workshop), plus expenses. This category includes curriculum consultants, inservice training specialists, etc., not on the payroll.

2. Materials and supplies: Those necessary for inservice training activities.

3. Suggested lodging: $28 in-state; $35 in Oklahoma City or Tulsa

4. Suggested travel: (1 car per school) (24 cents a mile)

5. Suggested per diem: $19 per day.

6. Professional teacher substitute pay: Those necessary for inservice training activities.

436

B. Annual Needs Assessment

The annual needs assessment required by 34 CFR 300.382 (b) may be conducted anew or each local C.S.P.D. committee could review and select unmet FY 1990 prioritized needs as those to be addressed during FY 1991. Additional newly identified needs could be added to form an up-to-date list.

In addition to inservice (either training or retraining); two other areas of activity are appropriate for support through C.S.P.D. funds:

1. The acquisition, review and dissemination of significant education information (34 CFR 300.384 (a)) which includes training designed to enable the establishment of innovative programs (34 CFR 300.384 (b)) and
2. The adoption of promising educational practices and materials (300.385).

Activities under one or both of these areas could include the following:

1. Membership in state and national professional special education organizations for special administrators, teachers and related services staff.
2. Subscription to journals and other publications of national special education professional organizations.
3. Purchase/duplication/dissemination/utilization of innovative special education instructional/training materials.
4. Reimbursement of expenses incurred (at state rates) in sending special services representatives to visit innovative instructional or training programs (in-state or out) with the thought of piloting and eventually adopting either the program and/or materials in the home district.
5. Reimbursement of expense incurred (at state rates) in sending representatives of special services to state and/or national professional conferences. (Participants must commit to share acquired knowledge and skills with other staff in a documented fashion upon return.)
6. Other expenses involved in developing and implementing unique strategies designed to improve the quality and expand the scope of special education programs and related services through information dissemination, training and adoption. (Adoption cannot include salary or fringe benefits.)

ATTACHED TO THE BACK OF THIS MANUAL IS A COPY OF THE NEEDS ASSESSMENT INSTRUMENT WHICH MAY BE USED BY LOCAL C.S.P.D. COMMITTEES TO IDENTIFY TRAINING NEEDS FOR FY 91.

C. Budget Revision for C.S.P.D. Activities

A procedure must be instituted that will document the input of C.S.P.D. chairpersons for each **revised activity**.

The method requiring a minimum of effort is the establishment of an advisory council (three minimum members) elected by all C.S.P.D. chairpersons within the cooperative region. This advisory council will be consulted in person or by phone to recommend (through their signature) approval for changes or additions to the original proposal. If contact is accomplished by phone, the C.S.P.D. facilitator will enter and initial the name and phone number of the advisory council member contacted.

437

A revised page 16 and/or 17, if applicable, of Part II of the Special Education Federal Funding Application would be submitted with a copy of the original page 16 and/or 17 attached.

Upon review and approval, State Department of Education personnel will initial application, page 17, retain one copy and return the second copy to the C.S.P.D. facilitator. This step further refines bookkeeping procedures and reduces the possibility of an audit exception.

MATERIALS AND SUPPLIES

These areas must be detailed on the materials and supplies page. (Page 18 of the application for funds.) Totals on this page must equal budget page totals.

A. **100 Administration Series**

1. Supplies used in instructional program but not consumed in actual teaching-learning process are allowable. These supplies may include office supplies, curriculum supplies, inservice training supplies, professional test instruments.

B. **200 Instruction Series**

1. Supplies and materials are "software." Supplies are consumable items such as paper, pencils, workbooks, etc. Materials include books, periodicals, instructional materials, computer software, and other related materials.
2. Instruction related materials are allowable. These materials may include software items such as kits, specialized reading, math, spelling, etc., programs.
3. If supplies, materials, and/or equipment are written into project for programs and are requested by participating cooperative project members, a detailed list of items needed and an explanation for their use should be requisitioned and approved through the local education agency (if it is an approved budget item) before funds can be released to pay for such items.
4. Inventory for the items above must also be maintained and marked appropriately. A separate list of materials and equipment must be maintained at the local education agency.

C. **400 Health Services Series**

SEE ABOVE.

EQUIPMENT

Equipment must be listed and justified on the proposed list of equipment (page 19 of the Application for Funds)

A. 1230 Equipment Series (Capital Outlay Series)

1. Equipment shall be defined as tangible, nonexpendable personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit and includes such items as instructional equipment and necessary furniture. All equipment purchases not originally approved must be submitted to the State Department of Education for approval prior to purchase.

2. Equipment for administrative/instruction expenditures are allowable for project personnel, i.e., desks, chairs, file cabinets, typewriters, tables, physical education equipment, other instructional related equipment must as cassette recorders, language masters, testing instruments, e.g., audiometers.

3. Specially designed equipment for handicapped students such as desks, chairs, etc., is an allowable expenditure if its use and types of students served are clarified in the project activities.

4. Equipment for pupil transportation is allowable for modification of a bus with equipment itemized.

Inventory and Labeling of Materials and Equipment

1. **Inventory**: A separate inventory list for materials and equipment is to be maintained, kept up-to-date, and an inventory taken at least once a year. The inventory should contain the following information:

   a. List of items purchased--serial numbers and models
   b. Date of purchase
   c. Quantity or number received
   d. Cost per unit
   e. Total cost of purchase
   *f. Location by school
   g. Transfer, replacement or disposition as applicable

   *If materials and equipment are purchased with special education federal funds and are placed or checked out to schools in the project, a card file is suggested to be maintained for the materials and equipment.

2. Single and cooperative local education agencies are to maintain an inventory list and must keep materials (if still usable) and equipment purchased with special education federal funds for a period of five (5) years.

3. If a cooperative district project dissolves or breaks into smaller units, the materials and equipment may be handled as follows:

   a. Local education agencies for previously funded cooperatives must keep materials and equipment and inventory of both, but must also make them available to previously funded cooperative members on a checkout and return basis for one year at a time.

   b. Local education agencies may disburse the supplies, materials, and equipment to individual schools within the previously funded cooperative program for their use throughout the year. The location and condition of the items placed in the schools would still be the responsibility of the local education agency to maintain and have available for review during an audit.

4. All materials and equipment are to be labeled or marked according to funding source and fiscal year.

5. Local education agencies for cooperative projects should develop a policy **prior** to the formation of the co-op on the process and procedure for the disbursal of supplies, materials, and equipment if the co-op should dissolve in the future.

OTHER EXPENSE

A detailed description of expenditures for this category must be provided on the Other Expense page (page 20 of the Application for Funds).

A. 100 Administration Series

1. Indirect cost rate may be used if State Department of Education, Federal Fiscal Services Division, [(405) 521-3065)] has an approved Indirect Cost Proposal Plan on file for 1990-91 as of May 15, 1990.

Indirect Cost Formula

Total Budget Amount Minus Equipment = X
X ÷ 1.0 Indirect Cost Percentage = Y
    Example: 1.25 IDC (1.0125)
Y Multiply by Indirect Cost Percentage = IDC amount allowable
    Example: (Y x 1.25)

B. 200 Instruction Series

1. Any expenditures must be detailed.

C. 400 Health Services Series

1. Any expenditures must be detailed.

D. 500 Pupil Transportation Series

1. Expenses incurred in the operation and continued maintenance of pupil transportation vehicles **listed in this project**, i.e., gas, oil, tires, etc., are allowable expenditures.

E. Policies on Leasing and Purchasing

1. No buses, vans, or other vehicles are to be purchased with these funds.

2. Transportation: special education federal funds may be used to lease or lease/purchase special vans, buses, etc., (modified if needed) to transport handicapped children ONLY.

3. Lease/purchase agreements for a three year period, yearly lease agreements, or modifications of existing vehicles owned and operated by the school district are the ONLY allowable expenditures.

4. Purchasing of duplicating equipment, videotape machines, expensive instructional machines, and items such as carpet, air conditioners, etc., are subject to State Department of Education approval.

5. Equipment: Leasing equipment is subject to State Department of Education approval.

F. 600 Operation of Plant Series

1. Expenses incurred in the operation of the project, i.e., utilities, telephone, is an allowable expenditure.

G. 700 Maintenance of Plant Services

1. Remodeling or construction of facilities is NOT allowable.

H. 800 Fixed Charges Series

1. Expenses incurred for rental or space for project personnel and possible classroom space is an allowable expenditure.

I. Policy on Renting

1. If existing facilities cannot be used, facilities rented or leased with special education federal funds must be used for approved activities which are to be explained in the project activities.

J. 1190 Outgoing Transfer Series

1. Outgoing transfer account is for special education tuition or transfer fees.

2. Outgoing transfer of funds to other school districts or administrative units. These are expenditures in lieu of classifications that are not readily chargeable to any classification nor is it feasible to allocate them among the other expenditure classification.

PROCEDURES FOR REVIEW OF APPLICATION

1. Applications are to be received on or before the timelines (page 1) in order to be considered for review.

2. Upon assignment of application, State Department of Education reviewer has 10 days to complete the application. The following areas are considered during the review and approval process:

    a. Annual Data Report
    b. Child Count
    c. District Plan
    d. State and Local Monies for Non-supplanting Requirements
    e. Monitoring Checklist and Non-compliance areas
    f. Complaints/Due Process Hearing results

3. A second review will be completed within 5 days by a second State Department of Education reviewer.

4. Approved Applications:

    a. If there are minor clarifications on the application, Special Education Services Staff will contact the project coordinator and make the necessary clarifications for approval.

    b. Approved applications are recommended to SDE Administrators for their review and approval.

    c. The Administrators, in turn, may or may not recommend the projects to the special education Advisory Panel and the State Board of Education.

    d. If approved by SDE Administrators, copies of approved projects are sent to the special education Advisory Panel for approval and then to the State Board of Education members for their review prior to the State Board Meeting.

    e. State Board of Education meets to approve recommended projects.

    f. Final Letter of Approval is sent to LEA project.

    g. SDE authorized copy of the application is sent to the LEA along with budgetary information regarding expenditures.

5. Applications NOT APPROVED:

    a. If there are minor clarifications on the applications and/or if information regarding the areas listed above are inconsistent and several noncompliance areas noted, a letter indicating non-approval status will be sent to the LEA.

    b. If needed, an appointment will be set up with the LEA and SDE to clarify application components and/or other information which is holding up approval on the project application.

442

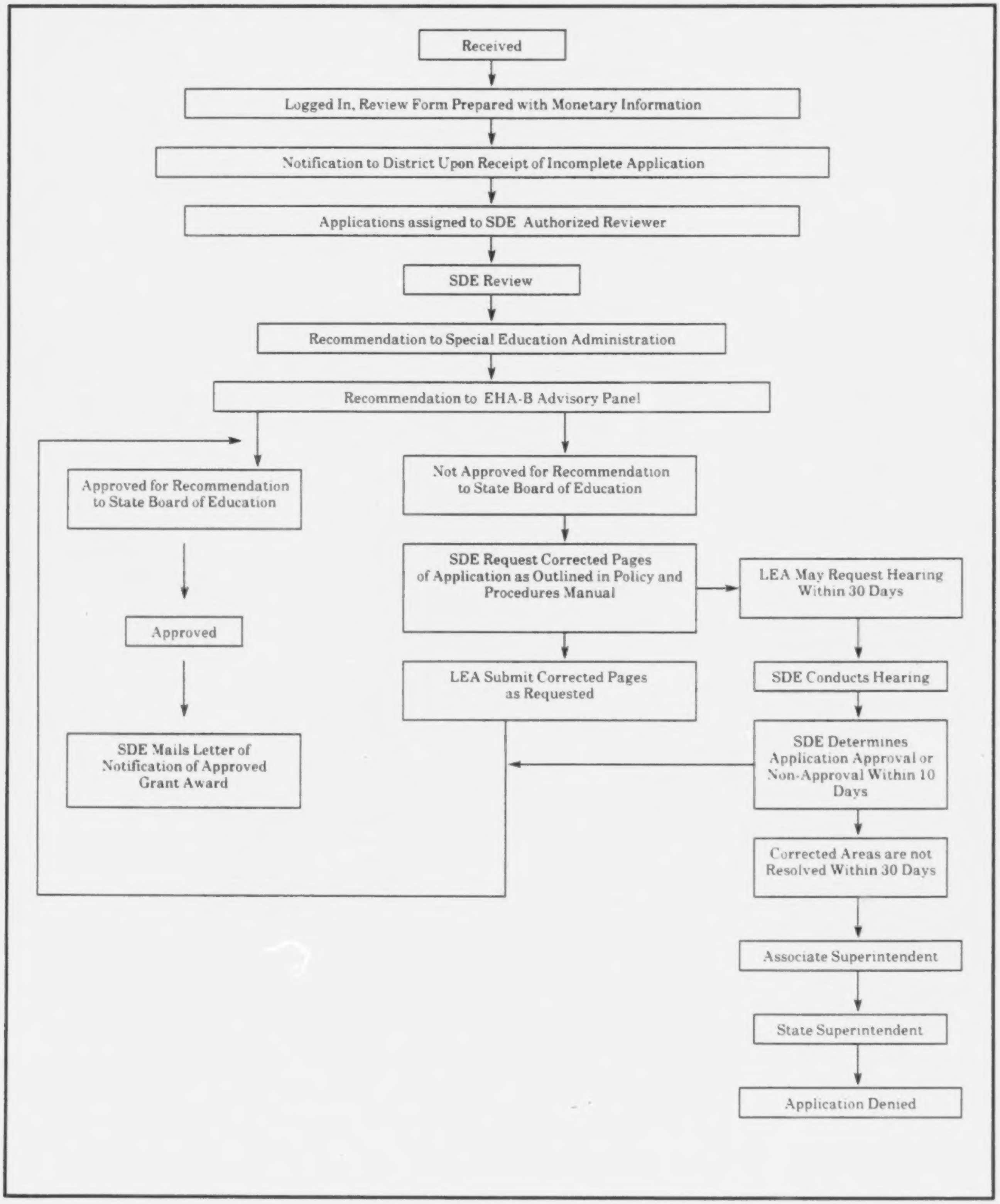
c. Special Education Services will review the corrected application and information provided and may or may not recommend the project for approval.

d. If the application is NOT recommended for funding, a letter will be sent to the LEA stating the reasons for non-approval. A LEA may request a hearing within 30 days.*

*Refer to **Special Education Application Review Process Chart**, page 24.

SPECIAL EDUCATION APPLICATION REVIEW PROCESS

Flow-Chart


Received
Logged In, Review Form Prepared with Monetary Information
Notification to District Upon Receipt of Incomplete Application
Applications assigned to SDE Authorized Reviewer
SDE Review
Recommendation to Special Education Administration
Recommendation to EHA-B Advisory Panel
Approved for Recommendation to State Board of Education
Not Approved for Recommendation to State Board of Education
SDE Request Corrected Pages of Application as Outlined in Policy and Procedures Manual
LEA May Request Hearing Within 30 Days
Approved
LEA Submit Corrected Pages as Requested
SDE Conducts Hearing
SDE Mails Letter of Notification of Approved Grant Award
SDE Determines Application Approval or Non-Approval Within 10 Days
Corrected Areas are not Resolved Within 30 Days
Associate Superintendent
State Superintendent
Application Denied

ATTACHMENT

SUGGESTED NEEDS ASSESSMENT FOR DISTRICT COMPLIANCE

Comprehensive System of Personnel Development (CSPD)

SURVEY OF PARENTS

Inservice Training and Staff Development Needs Assessment

Please complete the following survey. Information obtained will determine parent needs for inservice training.

---

1. INDICATE THE GENERAL EDUCATION LEVEL OF YOUR HANDICAPPED CHILD(REN). (Select one)

    1. Preschool
    2. Elementary
    3. Middle School/Junior High
    4. Secondary/High School
    5. More than One of the Above

2. EXCEPTIONALITY: PLEASE CIRCLE THE NUMBER(S) CORRESPONDING TO THE HANDICAP(S) OF YOUR CHILD(REN).

    1. Educable Mentally Handicapped
    2. Trainable Mentally Retarded
    3. Orthopedically Impaired
    4. Learning Disabled
    5. Seriously Emotionally Disturbed
    6. Other Health Impaired:

        ____ Autistic

        ____ Chronically Ill

    7. Deaf/Hard-of-Hearing
    8. Multihandicapped
    9. Speech/Language Impaired
    10. Visually Impaired/Blind
    11. Deaf-Blind
    12. Early Childhood/Preschool

3. FOR EACH STATEMENT BELOW, PLEASE INDICATE YOUR LEVEL OF NEED FOR ADDITIONAL TRAINING BY CIRCLING THE NUMBER WHICH BEST FITS YOUR RESPONSE.

Response Scale: 4 = Great, 3 = Some, 2 = Little, 1 = None

Need Great-None	
4 3 2 1	1. Understanding the Education for All Handicapped Children Act (P.L.94-142).
4 3 2 1	2. Understanding the Federal handicapping categories, related services, and special education terminology.
4 3 2 1	3. Understanding types and purposes of testing.
4 3 2 1	4. Understanding your role in placement decisions.
4 3 2 1	5. Preparing for an IEP (Individualized Education Program) meeting.
4 3 2 1	6. Gaining knowledge of state special education procedural safeguards.
4 3 2 1	7. Understanding procedures for maintaining confidentiality of student records.
4 3 2 1	8. Understanding the formal complaint procedure.

Need
Great-None

4 3 2 1 9. Helping your child move through the educational system—TRANSITION. (Select One)

_____ Preschool to Elementary
_____ Special Ed. Classroom to Regular Classroom
_____ Elementary to Secondary
_____ Separate Facility to Public School
_____ High School to Work Place

4 3 2 1 10. Managing your child's behavior in positive ways.

4 3 2 1 11. Reinforcing classroom instruction with home instruction.

4 3 2 1 12. Becoming aware of resources/services available for parents of handicapped children.

4 3 2 1 13. Improving family interaction.

4 3 2 1 14. Coping effectively with your special needs child.

4 3 2 1 15. Gaining knowledge about Vocational-Technical School programs and Vocational Rehabilitation services.

4 3 2 1 16. Setting realistic goals for your handicapped child.

4 3 2 1 17. Acquiring information on normal child development.

4 3 2 1 18. Learning how to proceed when your child can no longer live at home.

4 3 2 1 19. Using specialized equipment with your handicapped child (such as auditory trainers, communication devices, braille typewriters).

4 3 2 1 20. Understanding your child's medical needs (such as special equipment, medications, special diet/feeding techniques).

4 3 2 1 21. Communicating with your special needs child (i.e., sign language, cued speech, communication board).

4 3 2 1 22. Understanding the role of the Oklahoma State Department of Education, Special Education Services.

4 3 2 1 23. Working with your Regional Education Service Center (RESC).

OTHER TRAINING NEEDS (please specify):

4 3 2 1 ______________________________
4 3 2 1 ______________________________
4 3 2 1 ______________________________
4 3 2 1 ______________________________
4 3 2 1 ______________________________
4 3 2 1 ______________________________
4 3 2 1 ______________________________

Comprehensive System of Personnel Development (CSPD)

SURVEY OF REGULAR EDUCATION PERSONNEL

Inservice Training and Staff Development Needs Assessment

Please complete the following survey. Information obtained will determine personnel needs for inservice training and staff development.

---

1. INDICATE YOUR MAJOR PROFESSIONAL RESPONSIBILITY BY CIRCLING THE NUMBER CORRESPONDING TO THE MOST APPROPRIATE POSITION TITLE. [THINK ABOUT THE ONE POSITION THAT OCCUPIES MOST OF YOUR TIME.] (Select one)

   1. Regular Education Teacher
   2. Regular Education Administrator
   3. School Counselor
   4. Vocational-Technical Personnel
   5. School Nurse

2. INDICATE YOUR YEARS OF EXPERIENCE IN EDUCATION BY CIRCLING ONE NUMBER BELOW.

   1. Two years or less
   2. More than two years

3. FOR EACH STATEMENT BELOW, PLEASE INDICATE YOUR LEVEL OF NEED FOR ADDITIONAL TRAINING BY CIRCLING THE NUMBER WHICH BEST FITS YOUR RESPONSE.

Response Scale: 4 = Great, 3 = Some, 2 = Little, 1 = None

Need Great-None	
4 3 2 1	1. Understanding the Education of All Handicapped Children Act (P.L. 94-142). Making modifications for handicapped children in the regular education classroom.
4 3 2 1	2. Understanding your role in the IEP (Individualized Education Program) process.
4 3 2 1	3. Developing positive attitudes toward handicapped children.
4 3 2 1	4. Gaining awareness for early identification of handicapped students.
4 3 2 1	5. Understanding Federal handicapping categories.
4 3 2 1	6. Implementing non-discriminatory grading.
4 3 2 1	7. Understanding legal aspects of discipline and suspension of handicapped children.
4 3 2 1	8. Understanding psychoeducational evaluations.
4 3 2 1	9. Understanding your responsibilities in implementing the Education for All Handicapped Children Act (P.L. 94-142).

Need
Great-None

4 3 2 1 10. Acquiring knowledge of specific handicapping conditions/characteristics.

4 3 2 1 11. Providing adaptive physical education.

4 3 2 1 12. Dealing with bilingual/limited English proficient students in your classroom.

4 3 2 1 13. Using effective behavior management techniques.

4 3 2 1 14. Understanding procedures for maintaining confidentiality of student records.

4 3 2 1 15. Managing students who are on medication or who are medically fragile.

4 3 2 1 16. Conducting conferences with parents whose children are being considered for special education placement.

4 3 2 1 17. Using the intervention/pre-referral process.

OTHER SPECIAL EDUCATION RELATED TRAINING NEEDS (please specify):

4 3 2 1 ____________________

4 3 2 1 ____________________

4 3 2 1 ____________________

4 3 2 1 ____________________

4 3 2 1 ____________________

4 3 2 1 ____________________

4 3 2 1 ____________________

4 3 2 1 ____________________

4 3 2 1 ____________________

Comprehensive System of Personnel Development (CSPD)

SURVEY OF SPECIAL EDUCATION PERSONNEL

Inservice Training and Staff Development Needs Assessment

Please complete the following survey. Information obtained will determine personnel needs for inservice training.

---

1. A. INDICATE YOUR MAJOR PROFESSIONAL RESPONSIBILITY BY CIRCLING THE NUMBER CORRESPONDING TO THE MOST APPROPRIATE POSITION TITLE. [THINK ABOUT THE ONE POSITION THAT OCCUPIES MOST OF YOUR TIME.] (Select One)

1. Special Education Teacher
2. Special Education Administrator
3. Related Service Provider
4. School Psychologist/Psychometrist
5. SDE Personnel
6. Paraprofessional/Teacher Asst.
7. Other ____________________

B. YEARS OF EXPERIENCE

1. Two Years or Less
2. More than Two Years

2. INDICATE THE GENERAL EDUCATION LEVEL OF THE CHILDREN YOU SERVE BY CIRCLING THE NUMBER CORRESPONDING TO THE MOST APPROPRIATE CATEGORY. (Select one)

1. Preschool
2. Elementary
3. Middle School/Junior High
4. Secondary/High School
5. More than One of the Above

3. EXCEPTIONALITY: PLEASE CIRCLE THE NUMBER CORRESPONDING TO THE ONE EXCEPTIONALITY WHICH CONSTITUTES THE MAJORITY OF YOUR STUDENTS. (Select one)

1. Educable Mentally Handicapped
2. Trainable Mentally Retarded
3. Orthopedically Impaired
4. Learning Disabled
5. Seriously Emotionally Disturbed
6. Other Health Impaired:
7. Deaf/Hard-of-Hearing
8. Multihandicapped
9. Speech/Language Impaired
10. Visually Impaired/Blind
11. Deaf-Blind
12. Early Childhood/Preschool

4. CERTIFICATION/LICENSURE AREA: PLEASE CIRCLE THE NUMBER CORRESPONDING TO THE AREA IN WHICH YOU CURRENTLY HOLD CERTIFICATION/LICENSURE. [IF YOU ARE CURRENTLY CERTIFIED/LICENSED IN MORE THAN ONE AREA, PLEASE INDICATE THE ONE MOST CLOSELY ASSOCIATED WITH YOUR CURRENT TEACHING ASSIGNMENT.] (Select one)

1. Mentally Retarded
2. Learning Disabled
3. Emotionally Disturbed
4. Deaf/Hearing Impaired
5. Physically Handicapped
6. Speech/Language
7. Visually Impaired/Blind
8. Multihandicapped
9. Early Childhood/Preschool
10. School Psychology/Psychometry
11. Physical Therapy
12. Occupational Therapy
13. Other ____________________

5. FOR EACH SUBJECT AREA, PLEASE INDICATE YOUR LEVEL OF NEED FOR ADDITIONAL TRAINING BY CIRCLING THE NUMBER WHICH BEST FITS YOUR RESPONSE.

Response Scale: 4 = Great, 3 = Some, 2 = Little, 1 = None

Need
Great-None

Area: ASSESSMENT

4 3 2 1 1. Understanding and using the multi-disciplinary team approach to assessment and planning (adaptive behavior, socio-cultural information, medical . . . .)

4 3 2 1 2. Assessing special education students' instructional levels: strengths and weaknesses.

4 3 2 1 3. Assessing special education students' behavioral levels: strengths and weaknesses.

4 3 2 1 4. Using non-discriminatory assessment techniques.

4 3 2 1 5. Clarifying and using program area criteria for placement purposes.

4 3 2 1 6. Providing increased justification for placement decisions.

4 3 2 1 7. Implementing Child Find/Serve procedures to identify unserved and inappropriately served exceptional students.

4 3 2 1 8. Writing effective reports.

4 3 2 1 9. Updating knowledge of tests and test interpretation.

4 3 2 1 10. Acquiring knowledge of assessment in speciality areas:

______Transition ______Low Incidence Handicaps

______Bilingual ______Early Childhood

Area: LEGAL ASPECTS

4 3 2 1 11. Understanding responsibilities in implementing P.L. 94-142.

4 3 2 1 12. Understanding the state special education procedural safeguards.

4 3 2 1 13. Understanding and using due process and procedural safeguards.

4 3 2 1 14. Understanding procedures for maintaining confidentiality of student records.

4 3 2 1 15. Preparing federal and state data reports on students served.

4 3 2 1 16. Understanding legal aspects of discipline and suspension.

Area: IEP (Individualized Education Program)

4 3 2 1 17. Developing IEPs.

4 3 2 1 18. Strengthening the content of IEPs.

4 3 2 1 19. Implementing IEPs in the regular classroom.

4 3 2 1 20. Incorporating state graduation requirements into the secondary IEP.

4 3 2 1 21. Writing measurable goals and objectives based on the individual student's needs.

4 3 2 1 22. Determining and applying criteria for mastery of IEP objectives.

4 3 2 1 23. Determining appropriate related service goals and objectives.

Need
Great-None **Area: EDUCATIONAL PROGRAMMING**

4 3 2 1 24. Designing alternate teaching strategies for students with learning problems.

4 3 2 1 25. Developing and using alternative instruction strategies, technology, media and materials.

4 3 2 1 26. Developing teacher-made materials.

4 3 2 1 27. Locating and using high interest-low vocabulary material for all content areas.

4 3 2 1 28. Locating and using sequential materials appropriate to student's developmental level.

4 3 2 1 29. Structuring classrooms for appropriate instruction.

4 3 2 1 30. Using behavior management techniques that will facilitate learning for the special education student.

4 3 2 1 31. Managing students who are on medication or who are medically fragile.

4 3 2 1 32. Incorporating career education into curriculum activities.

4 3 2 1 33. Improving consultation skills.

4 3 2 1 34. Improving communication skills.

4 3 2 1 35. Developing and using effectiveness indicators.

4 3 2 1 36. Understanding and implementing adaptive physical education programs.

4 3 2 1 37. Programming for limited English proficient (LEP) students.

4 3 2 1 38. Programming for low incidence handicaps (other health impaired, hearing impaired, multihandicapped, deaf-blind, and visually impaired).

4 3 2 1 39. Using augmentative devices for educating special education students.

4 3 2 1 40. Developing programs and curriculum activities for preschool handicapped students.

4 3 2 1 41. Transporting and positioning the handicapped child.

4 3 2 1 42. Developing positive attitudes toward handicapped children.

4 3 2 1 43. Learning effective feeding techniques.

Need
Great-None **Area: EDUCATIONAL ADMINISTRATION**

4 3 2 1 44. Developing awareness of services available in the local community for special education students.

4 3 2 1 45. Facilitating the social interaction of the special education student by placement into chronological age and culturally appropriate programs.

4 3 2 1 46. Implementing methods to assist special education and regular education teachers in working together to maximize learning for handicapped students.

4 3 2 1 47. Assisting exceptional students in making transitions (i.e., preschool to school, separate facility to public school, school to adult work).

Need
Great-None **Area: EDUCATIONAL ADMINISTRATION (continued)**

4 3 2 1 48. Designing/implementing programs for early intervention.

4 3 2 1 49. Developing criteria for special education placement.

4 3 2 1 50. Understanding and implementing non-discriminatory grading policies.

4 3 2 1 51. Monitoring special education programs effectively.

4 3 2 1 52. Understanding funding procedures of special education.

Area: PARENT INVOLVEMENT

4 3 2 1 53. Conducting conferences with parents whose children are being considered for special education placement.

4 3 2 1 54. Achieving parent participation in program planning for their child with a handicap.

4 3 2 1 55. Defusing potential conflict situations with parents.

4 3 2 1 56. Handling conflicts with parents.

4 3 2 1 57. Providing information and training programs for parents.

4 3 2 1 58. Assisting parents in accepting the handicap(s) of their child.

Area: OTHER (please specify):

4 3 2 1 ____

4 3 2 1 ____

4 3 2 1 ____

4 3 2 1 ____

4 3 2 1 ____

4 3 2 1 ____

4 3 2 1 ____

4 3 2 1 ____

4 3 2 1 ____

Comprehensive System of Personnel Development (CSPD)

SURVEY OF SUPPORT PERSONNEL

Inservice Training and Staff Development Needs Assessment

Please complete the following survey. Information obtained will determine personnel needs for inservice training and staff development.

---

1. INDICATE YOUR STAFF POSITION BY CIRCLING THE NUMBER CORRESPONDING TO THE MOST APPROPRIATE JOB TITLE. (Select one)

1. Clerical	3. Cafeteria/Food Service
2. Custodial/Maintenance	4. Transportation (Bus Driver)

2. FOR EACH STATEMENT BELOW, PLEASE INDICATE YOUR LEVEL OF NEED FOR ADDITIONAL TRAINING BY CIRCLING THE NUMBER WHICH BEST FITS YOUR RESPONSE.

Response Scale: 4 = Great, 3 = Some, 2 = Little, 1 = None

Need Great-None	
4 3 2 1	1. Understanding the Education of All Handicapped Children Act (P.L. 94-142).
4 3 2 1	2. Working with medically fragile students or students on medication.
4 3 2 1	3. Understanding procedures for maintaining confidentiality.
4 3 2 1	4. Handling possible conflict situations.
4 3 2 1	5. Using behavior management techniques.
4 3 2 1	6. Using and maintaining adaptive equipment for the handicapped.
4 3 2 1	7. Understanding specific handicapping conditions and characteristics.
4 3 2 1	8. Transporting the handicapped child.
4 3 2 1	9. Understanding dietary needs and food preparation for handicapped children.
4 3 2 1	10. Developing positive attitudes toward handicapped children.
4 3 2 1	11. Making adaptations/modifications for handicapped students.
	OTHER (please specify):
4 3 2 1	______________________________
4 3 2 1	______________________________
4 3 2 1	______________________________
4 3 2 1	______________________________

Public Agency

Monitoring Document

FOR SPECIAL EDUCATION
IN OKLAHOMA

Oklahoma State Department of Education
Gerald E. Hoeltzel
State Superintendent of Public Instruction

1991

PUBLIC AGENCY MONITORING DOCUMENT

Abstract

Public education agencies can use this monitoring guide to review their special education program or as a reference on required processes and procedures. It delineates an agency's responsibility under both state and federal legislation relative to education for the handicapped. It will also serve as documentation required of public education agencies to receive federal handicapped funds. Department staff will use this guide as an outline to conduct monitoring visits.

Key to Citations:

34 CFR	Code of Federal Regulations
OS	Oklahoma Statutes
OCR-OSDE-MOU	Office of Civil Rights, Oklahoma State Department of Education, Memorandum of Understanding
CA	Court of Appeals
MOU	Memorandum of Understanding
CFR (300's)	Public Law 94-142
CFR (76's)	Education Department General Administrative Regulation (EDGAR)
CFR (99's)	Family Educational Rights and Privacy (FERPA)
CFR (100's)	Title VI, Civil Rights Act
MOA	Memorandum of Agreement
P.L. 93-112	The Rehabilitation Act of 1973
P.L. 98-524	Carl D. Perkins Vocational Education Act
P & P	Policies and Procedures Manual for Special Education in Oklahoma

POSSIBLE SOURCES OF DOCUMENTATION (may include but not be limited to):

District Plan
LEA Policy
Court Orders
Child Count - District Certification
Annual Data Report
Interagency Agreement
Memorandum of Understanding
Student Records
Interview(s)
Certification
Child Find
Maintenance of Fiscal Applications
Audit Records of Program Funds
Administrative Records

Definitions:

Systemic areas of noncompliance are defined as citations that occur in 10% or more of the files reviewed. However, if a percentage is a decimal, it will be rounded to the higher whole number. Example, if an agency has 70 handicapped students and 15 files were reviewed, then 10% of 15 = 1.5. Therefore, 1.5 would be rounded to the higher whole number which would equal 2. This would give the frequency that noncompliance would have to occur per subsection before a systemic citation would be made.

Areas of noncompliance which are not systemic are defined as those areas reviewing administrative duties, agency policy, financial applications or reports, agency responsibility for a procedure, the provision of free appropriate public education and any other area as determined by the State Department of Education in fulfilling SEA responsibilities.

TABLE OF CONTENTS

Section 1: Free Appropriate Public Education 1
Section 2: Residential Placement 3
Section 3: Proper Functioning of Hearing Aids 4
Section 4: Full Educational Opportunity Goal 4
Section 5: Program Option 4
Section 6: Individualized Education Program (IEP) 7
Section 7: Private Schools 14
Section 8: Procedural Safeguards 21
Section 9: Student Evaluation 27
Section 10: Eligibility and Placement 29
Section 11: Reevaluation 31
Section 12: Specific Learning Disabilities 31
Section 13: Least Restrictive Environment 33
Section 14: Confidentiality 35
Section 15: Responsibility of All Educational Programs 42
Section 16: Health or Safety Standards for Facilities 42
Section 17: Compliance with Statutes, Regulations, State Plans and Applications 42
Section 18: Administration/Supervision of Each Project 45
Section 19: Compliance Records 45
Section 20: Accessibility 45

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
1	FREE APPROPRIATE PUBLIC EDUCATION All children with exceptional educational needs for whom the public agency is responsible are provided with a free appropriate public education (FAPE) defined by state and federal statutes. [34 CFR 300.121(a)] [OS 70-13-101]				___ District Plan, page __ ___ IEPs ___ Interview ___ Tracking ___ Contracts ___ Child count ___ Other; Person designated responsible:___________________
1.1	Special Education and related services are provided to all eligible children with exceptional educational needs: 1. Ages birth through 21 for severely handicapped children who have not completed a secondary program. 2. Ages 3 through 21 who have not completed a secondary program. 3. Education to nonhandicapped children available to proportionate number of handicapped children. [34 CFR 300.300; 34 CFR 300.5; 34 CFR 300.13] [OS 70-13-111 (b)] [OS 70-13-101] **Comments:** P & P pp. 1, 10, 101-104.	1. Are eligible handicapped children receiving special education services? 2. Are eligible handicapped children receiving related services?			
1.2	The public agency ensures compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794: "No otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." [34 CFR 76.500; 34 CFR 104.4] [OCR-OSDE-MOU] **Comments:**	1. Does the agency provide assurance with 504?			___ District Plan, page __ ___ Non-discrimination policy ___ handbook ___ posted ___ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
1.3	The public agency ensures compliance with title VI of the Civil Rights Act of 1964, 45 U.S.C. 2000d through 2000 d-4: No person in the U.S. shall, on the basis of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." [34 CFR 76.500; 34 CFR 100] [OCR-OSDE-MOU] **Comments:**	1. Does the agency provide assurance with Title VI?			___ District Plan, page __ ___ Non-discrimination policy ___ handbook ___ posted ___ Other;
1.4	The public agency ensures compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1683: "No person in the U.S. shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." [34 CFR 76.500; 34 CFR 106] [OCR-OSDE-MOU] **Comments:**	1. Does the agency provide assurance with Title IX?			___ District Plan, page __ ___ Non-discrimination policy ___ handbook ___ posted ___ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
1.5	The public agency's procedures for child find cover all handicapped children and youth, ages birth through 21. [34 CFR 300.300; 34 CFR 300.220] **Comments:** P & P pp. 3, 85-86. # _______ handicapped attending private/parochial schools # _______ handicapped placed out-of-state	1. Does the agency maintain assurance/documentation of an awareness process? 2. Does the process include 2 or more activities? 3. Does the agency extend child find activities to private/parochial schools and other agencies? 4. Does the agency maintain documentation of process for 5 years? 5. Does the agency have a procedure for screening, referral, and comprehensive evaluation? 6. Does the district keep a record of the number of referrals/evaluations resulting from child find? 7. Other;			____ District Plan, page __ ____ Child find records ____ Screening ____ Referrals ____ Evaluations ____ Other; Person designated responsible:____________________
2 2.1	RESIDENTIAL PLACEMENT The public agency provides residential placement at no cost to the parent including non-medical care and room and board if necessary for special educational purposes and includes placement in the state-operated schools for the handicapped such as the State School for the Deaf or Blind. [34 CFR 300.302] **Comments:**	1. Does the agency provide assurance regarding residential placement? 2. If the agency currently provides residential placement, is it at no cost to the parent? 3. Other;	Syst.	Compl.	____ District Plan, page __ ____ Student records ____ Data Report ____ Child count ____ Preparation for on-site # _______ OSD/OSB, # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
3 3.1	PROPER FUNCTIONING OF HEARING AIDS The public agency ensures that the hearing aids worn by deaf and hard-of-hearing children in school are functioning properly. [34 CFR 300.303] **Comments:**	1. Does the agency provide assurance for proper functioning of hearing aids? 2. If the agency has special education deaf/hard-of-hearing children who wear hearing aids, is documentation available to ensure proper functioning? 3. Other;	Syst.	Compl.	___ District Plan, Page __ ___ Child count ___ Student records ___ Hearing aid checklist ___ Other; Person responsible:______________________ # ______ D/HH files, # ______ non-compliance
4 4.1	FULL EDUCATIONAL OPPORTUNITY GOAL (FEO) The public agency establishes and implements a goal of providing full educational opportunity to all handicapped children in the area served by the public agency. [34 CFR 300.304] [OS 70-13-101; OS 70-13-111] **Comments:**	1. Does the agency provide an assurance of F.E.O.? 2. Does the agency implement full educational opportunities?			___ District Plan, page __ ___ Contracts ___ Co-op agreements ___ Excess cost ___ IEPs ___ Class Schedules ___ Other; # ______ files, # ______ non-compliance
5 5.1	PROGRAM OPTION The public agency takes steps to ensure that its handicapped children have available to them the variety of educational programs and services available to nonhandicapped children in the area served by the agency. [34 CFR 300.305] [OS 70-13-101; OS 70-13-111; OS 70-1210-508] [P.L. 98-524] a. Art b. Music c. Industrial Arts d. Consumer and Homemaking Education e. Vocational Education f. State - Mandated Testing Program **Comments:** P & P pp. 2, 17-20, 21-23, 50, 51, 52, 101-104.	1. Does the agency provide an assurance that program options are available? 2. Does the agency provide a variety of educational programs to handicapped children? 3. Does the agency document dissemination of vocational opportunities no later than the beginning of the ninth grade? 4. Other;			___ District Plan, page __ ___ Class schedules/offerings ___ IEPs ___ Vocational information ___ Tracking ___ Interview ___ Other: # ______ files, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
5.2	The public agency takes steps to provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped children an equal opportunity for participation in those services and activities. [34 CFR 300.306] [OS 70-13-101; OS 70-13-111] [P.L. 93-112] a. Counseling b. Athletics c. Transportation d. Health Services e. Recreational activities sponsored by the public agency f. Special interest groups or clubs sponsored by the public agency g. Referrals to agencies which provide assistance to handicapped persons h. Employment of student 1. By public agency 2. Outside employment **Comments:** P & P pp. 22, 17-20, 101-104.	1. Does the agency provide an assurance that nonacademic/extracurricular services are available? 2. Does the agency provide nonacademic/extracurricular activities? 3. Does the agency make referral to the Vocational Rehabilitation counselor upon students reaching 16? 4. If the agency provides employment of students, is it available to handicapped through work-study sheltered workshops, etc.? 5. Other;			____ District Plan, page __ ____ IEPs ____ Handbook ____ Work-study contract ____ Referrals to other agencies ____ Referral to Vo-Rehabilitation ____ Tracking ____ Interview ____ Other; # ______ files, # ______ non-compliance
5.3	The public agency provides or arranges for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the service activities set forth in 34 CFR 300.306 of Subpart C, each public agency shall ensure that each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child. [34 CFR 300.553] **Comments:** P & P pp. 22, 101-104.	1. Does the agency provide such assurance? 2. Does the agency provide nonacademic/extracurricular services including meals, recess to ensure participation with nonhandicapped? 3. Other;	Syst.	Compl.	____ District Plan, Page __ ____ IEPs ____ Tracking ____ Interview ____ Student record ____ Schedules ____ Other; # ______ students, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
5.4	A. Physical education services, specially designed if necessary, are made available to every handicapped child receiving a free appropriate public education. B. Each handicapped child is afforded the opportunity to participate in the regular physical education program available to nonhandicapped children unless: 1. The child is enrolled full time in a separate facility; or 2. The child needs specially designed physical education, as prescribed in the child's individualized education program. C. If specially designed physical education is prescribed in a child's individualized education program, the public agency responsible for the education of that child provides the services directly, or makes arrangements for it to be provided through other public or private programs. D. The public agency responsible for the education of a handicapped child who is enrolled in a separate facility ensures that the child receives appropriate physical education services in compliance with paragraphs (A) and (C) of this section. [34 CFR 300.307] [OS 70-11-103] **Comments:** P & P pp. 3, 101-104.	1. Does the agency provide assurance re: PE? 2. If PE is available to nonhandicapped, is it provided to handicapped? 3. If specialized PE is prescribed in the IEP, is that service being provided? 4. Other;			___ District Plan, page __ ___ IEPs ___ Tracking ___ PE program (class schedules) ___ Other;
			Syst.	Compl.	# ______ files, # ______ noncompliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
6 6.1	**INDIVIDUALIZED EDUCATION PROGRAM (IEP)** Public Educational Agency Responsibility A. The public agency develops and implements an individualized education program for each of its handicapped children. B. The public agency shall develop and implement an individualized education program for each handicapped child who: 1. Is placed in or referred to a private school or facility by that agency; or 2. Is enrolled in a parochial or other private school and receives special education or related services from that agency. [34 CFR 300.341] **Comments:** P & P pp. 13, 41, 101-104.	1. Does the agency provide IEP assurance? 2. Does the agency develop an IEP for each of its handicapped children? 3. Does the agency implement each IEP as written for handicapped children? 4. Other;	Syst.	Compl.	___ District Plan, page __ ___ IEPs ___ Tracking ___ Preparation for On-Site (Private School) ___ Child count ___ Other; # ______ IEPs reviewed, # ______ non-compliance
6.2	Meetings A. Each public agency initiates and conducts meetings for the purpose of developing, reviewing, and revising a handicapped child's individualized education program. B. Each public agency initiates and conducts a meeting within thirty calendar days of a determination that a handicapped child needs special education and related services. C. Each public agency initiates and conducts meetings to periodically review each child's individualized education program and if appropriate revise its provisions. A meeting is held for this purpose at least once a year. [34 CFR 300.343] **Comments:** P & P pp. 28-29, 99, 101-105.	1. Does the agency provide an assurance re: meetings. 2. Does the agency conduct meetings to a. develop b. review c. revise IEPs? 3. Does the agency conduct an IEP meeting within 30 calendar days of categorical eligibility? 4. Does the agency review IEPs at least once a year? 5. Other;	Syst.	Compl.	___ District Plan, page __ ___ IEPs ___ Review of Placement/IEP ___ Categorical Eligibility ___ Other; # ______ IEPs reviewed, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
6.3	The individualized education program team includes the following individuals: A. A representative of the public agency other than the child's teacher(s) who is qualified to provide or supervise the provision of special education. [34 CFR 300.344(a)(1)] B. The child's teachers. [34 CFR 300.344(a)(2)] [SD] [OS 70-1-105; OS 70-3-104] 1. Special Education Teacher of Suspected Handicapping Condition 2. Regular Teacher C. One or both of the child's parents. [34 CFR 300.344(a)(3); 300.345(a)] D. The child, when appropriate. [34 300.344(a)(4)] E. Members of the evaluation team or some other person knowledgeable about the evaluation procedures and familiar with the results of the evaluation (for initial evaluations and 3-year reevaluations). [34 CFR 300.344(b)] F. A representative of a private school or facility, when applicable. [34 CFR 300.347(a)(2)] [34 CFR 300.348(b)] G. Other individual(s) at the discretion of the parent(s) or agency. [34 CFR 300.344(a)(5)] H. A representative from the child's district of residence for a student placed in an out-of-district program. **Comments:** P & P pp. 13, 42, 44, 101-105.	1. Does the agency provide assurance listing all team members? 2. Do IEP teams consist of: a. administrator or admn. rep. b. the child's teachers 1) teacher certified in the handicapping condition 2) regular teacher (except for preschool if documentation of consult/training is available) c. parent(s) (required for initial; documentation of prior notice required if parent not present on subsequent meetings) d. evaluation team member or person knowledgeable about evaluation procedures When applicable e. the child f. representative of private school/facility g. other individuals h. representative of the child's district of residence?			___ District Plan, page __ ___ IEPs ___ Interview ___ Tracking ___ Other;
			Syst.	Compl.	# ______ IEPs reviewed, # ______ non-compliance

473

474

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
6.4	To ensure parent participation in the individualized education program (IEP) committee meeting, the public agency shall: A. Notify the parents early enough so that they will have the opportunity to attend. [34 CFR 300.345(a)(1)] B. Schedule the meeting at a mutually agreed on time and place. [34 CFR 300.345(a)(2)] C. Indicate the purpose, time, and location of the meeting and who will be in attendance. [34 CFR 300.345(b)] D. Document alternative methods including telephone calls that are used to ensure parent participation when parents cannot attend. [34 CFR 300.345(c)] E. Maintain a detailed record of phone calls, correspondence, and/or home visits made to encourage the parents to attend if the parents do not wish to participate in developing the IEP. [34 CFR 300.345(d)] F. Take whatever action is necessary to ensure parents understand the proceedings at the meeting (interpreters, native language, mode of communication). [34 CFR 300.345(e)] G. Provide parents a copy of the individualized education program on request. [34 CFR 300.345(f)] **Comments:** P & P pp. 5-6, 83, 95-97, 101-104	1. Does the agency assure parent participation? 2. Has the agency: a. notified the parent in advance, b. scheduled the meeting at an agreed upon time/place, c. indicated the purpose, time, location, and attendees, d. documented other methods to ensure participation, e. maintained records of efforts to encourage parent participation, f. taken actions to ensure parents understand, g. provided parents with copies of IEPs upon request?			___ District Plan, page __ ___ Written notice of meeting ___ Record of parent contacts ___ Confidential record access ___ Other:
			Syst.	Compl.	
					# _______ files reviewed, # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
6.5	The individualized education program, which must precede placement, includes as a minimum, the following: A. Personally identifiable information (name, district, site, date of the IEP meeting, address, grade, birthdate and age). [OS 70-1-105, 70-3-104] B. Statement of the child's present levels of educational performance. [34 CFR 300.346(a)] C. Statement of the child's strengths and weaknesses. [OS 70-1-105, 70-3-104] D. Statement of the annual goals including short-term instructional objectives. [34 CFR 300.346(b)] E. Description of why, even with adaptations, removal from the regular environment to such extent is required. [OS 70-1-105, 70-3-104] F. Statement of the specific education and related services to be provided to the child. [34CFR 300.346(c)] 1. Based on the child's needs rather than on the availability of services. 2. Provided at no cost to the parents. 3. Participation in regular education programs as able. G. Statement of position/person responsible for implementing objectives. [OS 70-1-105, 70-3-104] H. Amount of time to be spent on objective(s). [OS 70-1-105, 70-3-104] I. The projected dates for initiation of services and the anticipated duration of the services. [34 CFR 300.346(d)] J. Appropriate objective criteria and evaluation procedures. [34 CFR 300.346(e)] K. Schedules for determining, on at least an annual basis, the degree to which the short-term instructional objectives are being achieved. [34 CFR 300.346(e)] (Continued)	1. Does the agency provide an assurance? 2. Are IEPs written in accordance with state policy guidelines to accurately include: a. personal information, b. present levels, c. strengths/weaknesses, d. annual goals, objectives, e. description of removal, f. specific educational and related services, g. person(s)/position responsible, h. amount of time, i. beginning/ending date, j. evaluation procedures, k. objectives achieved,	Syst.	Compl.	___ District Plan, page __ ___ IEPs

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
6.5 (cont.)	L. Statement of amount of time in regular academic instructional classroom. [OS 70-1-105]	l. amount of time in regular academic class	Syst.	Compl.	___ District Plan, page __ ___ IEPs
	M. Statement and objective if adaptations are required. [OS 70-1-105]	m. adaptations,			
	N. Statement of physical education participation. [OS 70-1-105]	n. physical education,			
	O. Statement of vocational education participation. [OS 70-1-105]	o. vocational education,			
	P. Statement of vocational rehabilitation participation. [OS 70-1-105]	p. vocational rehabilitation,			
	Q. Description of Least Restrictive Environment to include: 1. placement, 2. LRE options considered/rejected, 3. is the placement as close to the child's residence as possible, 4. potential harmful effects, 5. to extent possible, education with nonhandicapped, 6. use of separate facilities, 7. full educational opportunities. [OS 70-1-105]	q. LRE options,			
	R. Statement verifying agreement of LRE. [OS 70-1-105]	r. LRE agreement,			
	S. Date of next IEP meeting. [OS 70-1-105]	s. date of next IEP,			
	T. Team signatures in accordance with 300.444, 300.22 and state policies. [34 CFR 300.344, 300.22, 300.347-348, OS 70-1-105]	t. All appropriate signatures,			
	U. Statement of parent participation in the development of the IEP. [OS 70-1-105]	u. Parent participation statement.			
	Comments: P & P pp. 47-52, 101-104.				

Use State Form ____Yes ____No

IEP REVIEW

_____ IEPs x 10% = _____ systemic noncompliance

All Parts Accurately Completed: See 6.5	Initials/DOB																Composite Total (No)	Systemic Yes*	No
A. Personal Information (name, etc.)																			
B. Level of Educational Performance																			
C. Strengths & Weaknesses																			
D. Annual Goal(s)																			
E. Documentation of Removal																			
F. Specific Educational & Related Services																			
G. Person(s) Responsible																			
H. Amount of Time																			
I. Beginning/Ending Date																			
J. Evaluation Procedures																			
K. Objectives Achieved																			
L. Time Regular Classroom																			
M. Adaptations																			
N. Physical Education																			
O. Vocational Education																			
P. Vocational Rehabilitation																			
Q. LRE:																			
1. Placement																			
2. Options																			
3. Residence																			
4. Harmful Effects																			
5. Extent with non-handicapped																			
6. Separate Facilities																			
7. F.E.O.																			
R. Least Restrictive Environment Agreement																			
S. Date of Next IEP																			
T. All Appropriate Signatures																			
U. Parent Participation																			

*** If yes, cite 6.5 under appropriate subsection**

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
6.6	The individualized education program is in effect at the beginning of each school year for continuing students. [34 CFR 300.342(a)] **Comments:** P & P pp. 42, 101-104.	1. Does the agency provide an assurance? 2. Are IEP's in effect at the beginning of school year for continuing students? 3. Other;	 Syst.	 Compl.	___ District Plan, page __ ___ School calendar ___ IEPs ___ Other; # _______ IEPs reviewed, # _______ non-compliance
6.7	The individualized education program is in effect prior to the provision of services. [34 CFR 300.342(b)(1)] **Comments:** P & P pp. 41, 101-104.	1. Does the agency provide an assurance? 2. Are IEPs written before services begin? 3. Other;	 Syst.	 Compl.	___ District Plan, page __ ___ IEPs ___ Interview ___ Tracking ___ Other; # _______ IEPs reviewed # _______ non-compliance
6.8	The individualized education program is implemented as soon as possible following the IEP meeting. [34 CFR 300.342(b)(2)] **Comments:** P & P pp. 28, 42, 101-104.	1. Does the agency provide an assurance? 2. Are IEPs implemented as soon as possible following the IEP meeting as indicated on "beginning date?" 3. Other;	 Syst.	 Compl.	___ District Plan, page __ ___ IEPs ___ Interview ___ Other; # _______ IEPs reviewed # _______ non-compliance
6.9	An annual meeting is held to review and revise each child's individualized education program. [34 CFR 300.343(d)] **Comments:** P & P pp. 29, 43, 101-105.	1. Does the agency provide an assurance? 2. Are IEPs reviewed/revised at least annually? 3. Other;	 Syst.	 Compl.	___ District Plan, page __ ___ IEPs ___ Other; # _______ IEPs reviewed # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
7 7.1	PRIVATE SCHOOLS Before a public agency places a handicapped child in a private school or facility as a means of providing free appropriate public education, the public agency shall: A. Develop an individualized education program for each handicapped child placed in a private school or facility. [34 CFR 300.347(a)(1)] [34 CFR 76.651-662] B. Ensure the attendance of a representative of the private school facility at the IEP meeting, or through other means of participation including individual or conference telephone calls. [34 CFR 300.347(a)(2), 34 CFR 76.652]	1. Does the agency provide an assurance? 2. Does the agency develop an IEP prior to placement? 3. Does the agency ensure participation of the private school? 4. Other;			___ District Plan, page __ ___ Preparation for On-site ___ Data report ___ IEPs ___ Written Notice of Meeting ___ Record of contacts ___ Other;
	Comments:		Syst.	Compl.	# ______ Private school IEPs, # ______ noncompliance
7.2	After a child or youth enters a private school, information must be disseminated stating that: A. Meetings to review and revise the individualized education program may be initiated and conducted by the private school at the discretion of the public agency. [34CFR 300.347(b)(1)] [34 CFR 76.651] B. Parents and a public agency representative must be involved in any decision about the IEP and agree to any proposed changes before those changes are implemented. [34 CFR 300.347(b)(2)] [34 CFR 76.652] C. The public agency takes necessary steps to monitor and enforce compliance with Part B requirements by any private school or facility that implements a child's individualized education program. [34 CFR 300.347(c); 34 CFR 300.452] [34 CFR 76.651-652] **Comments:**	1. Does the agency provide an assurance? 2. If the agency has a child placed in a private school, has information been disseminated indicating: a. who may initiate IEP meetings b. parents/agency personnel must be involved in IEP decisions c. the public agency will monitor/enforce Part B requirements. 3. Other;			___ District Plan, page __ ___ Data report ___ IEPs ___ Memorandum of Understanding ___ Other;

Section	Regulation	Compliance Criteria	Compliance Yes	Compliance No	Compliance Documentation
7.3	For handicapped child or youth enrolled in a private or parochial school but receiving special education and related services from a public agency, the public agency shall: A. Initiate and conduct meetings to develop and revise the individualized education program. [34 CFR 300.348(a), 76.652-654] B. Ensure the participation of the private school representatives in these meetings. [34 CFR 300.348(b), 76.652] **Comments:**	1. Does the agency provide an assurance? 2. If the agency provides special education services to a child attending a private/parochial school does the agency a. develop/revise the IEP b. ensure private school participation? 3. Other;	Syst.	Compl.	___ District Plan, page __ ___ IEPs ___ Written Notice of Meeting ___ Other; # _______ Private school files, # _______ noncompliance
7.4	The public agency shall provide special education and related services designed to meet the needs of private school handicapped children and provide a genuine opportunity for equitable participation. [34 CFR 300.452, 76.651(a)(1)(2)] **Comments:**	1. Does the agency provide an assurance? 2. If the agency has a handicapped student, is a. special education and related services provided b. equitable participation provided? 3. Other;	Syst.	Compl.	___ District Plan, page __ ___ IEPs ___ Tracking ___ Student files ___ Other; # _______ Private school files, # _______ non-compliance
7.5	The public agency maintains continuing administrative direction and control over funds and property that benefits students enrolled in private schools. [34 CFR 76.651(a)(3)] **Comments:**	1. Does the agency provide an assurance? 2. If the agency has a handicapped student in a private school, does the agency maintain control over funds/property involved? 3. Other;			___ District Plan, page __ ___ Financial records ___ Contracts ___ Inventories ___ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
7.6	The public agency consults with appropriate representatives of students enrolled in private schools during all phases of the development and design of the public agency project including: A. Which children will receive benefits under the project. B. How the children's needs will be identified. C. What benefits will be provided. D. How the benefits will be provided. E. How the project will be evaluated. [34 CFR 76.652(a), 300.347(2)] **Comments:**	1. Does the agency provide an assurance? 2. If the agency has a handicapped student enrolled in a private school, does the agency consult with representatives on development of the program? 3. Other;			___ District Plan, page __ ___ IEPs ___ Child find ___ Memos ___ Other;
7.7	The public agency consults with appropriate representatives of students enrolled in private schools before the subgrantee (i.e., local public agency) makes any decision that affects the opportunities of those students to participate in the project. [34 CFR 76.652(b), 300.348(b)] **Comments:**	1. Does the agency provide an assurance? 2. If the agency has a handicapped student enrolled in a private school, does the agency notify/consult the representatives before any change in the program? (see also 7.3) 3. Other;	Syst.	Compl.	___ District Plan, page __ ___ IEPs ___ Written notice of meeting ___ Other; # _______ private school files, # _______ non-compliance
7.8	The public agency gives the appropriate representatives (private/public) a genuine opportunity to express their views regarding each matter subject to the consultation requirements. [34 CFR 76.652(c), 300.348(b)] **Comments:**	1. Does the agency provide an assurance? 2. Does the agency provide an opportunity for representatives to express views? (see also 7.3) 3. Other;	Syst.	Compl.	___ District Plan, page __ ___ Written notice of meeting ___ IEPs ___ Record of contacts ___ Other; # _______ private school files, # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No.	
7.9	The public agency determines the following matters on a basis comparable to that used in providing for participation of public school students: A. The needs of students enrolled in private schools. B. The number of those students who will participate in a project. C. The benefits that the public agency will provide under the program to those students (i.e., consultation, inservice, use of certain instructional equipment/material). [34 CFR 76.653, 300.453] **Comments:**	1. Does the agency provide an assurance? 2. Does the agency determine participation for students enrolled in a private school? 3. Other;	Syst.	Compl.	____ District Plan, page __ ____ Child count ____ Data report ____ IEPs ____ Other; # ______ private school files, # ______ non-compliance
7.10	The program benefits that a public agency provides for students enrolled in private schools are comparable in quality, opportunity for participation, and scope to the program benefits that the public agency provides for students enrolled in public schools. [34 CFR 76.654(a)] **Comments:**	1. Does the agency provide an assurance? 2. Are program benefits compatible to those of students enrolled in public schools? 3. Other;	Syst.	Compl.	____ District Plan, page __ ____ Child Count ____ IEP's ____ Class schedules ____ Other; # ______ private school files, # ______ non-compliance
7.11	If the public agency uses funds under a program for public school students in particular attendance area or grade or age level, the public agency ensures equitable opportunities for participation by students enrolled in private schools who: A. Have the same needs as the public school students to be served. B. Are in that group, attendance area, or age or grade level. [34 CFR 76.654(b)] **Comments:**	1. Does the agency provide an assurance? 2. Are equitable opportunities available? 3. Other;	Syst.	Compl.	____ District Plan, page __ ____ Agency description/level(s) ____ IEPs ____ Other; # ______ private school files, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
7.12	If the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, the public agency provides correspondingly different program benefits. [34 CFR 76.654(c)] **Comments:**	1. Does the agency provide an assurance? 2. If the needs of a student enrolled in a private school are different, are program benefits reflected? 3. Other;	Syst.	Compl.	___ District Plan, page __ ___ IEPs ___ Other; # _______ private school files, # _______ non-compliance
7.13	As a recipient of federal funds an LEA must provide information as follows: A. A description of how the public agency will meet the federal requirements for participation of students enrolled in private schools. B. The number of students enrolled in private schools who have been identified as eligible to benefit under the program. C. The number of students enrolled in private schools who will receive benefits under the program. D. The basis the public agency used to select the students. E. The manner and extent to which the public agency consulted with appropriate representatives of students enrolled in private schools. F. The places and times that the students will receive benefits under the program. G. The differences, if any, between the program benefits the applicant will provide to public and private school students and the reasons for the differences. [34 CFR 76.656] **Comments:**	1. Does the agency provide the assurance/information A-G? 2. If a student enrolled in a private school receives services, are those indicated on the IEP? 3. Other;			___ District Plan, page __ ___ Child count ___ Data report ___ IEPs ___ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
7.14	The public agency does not use program/project funds for classes that are organized separately on the basis of school enrollment or religion of the students if: A. The classes are at the same site. B. The classes include students enrolled in public schools and students enrolled in private schools. [34 CFR 76.657, 300.451] **Comments:**	1. Does the agency provide an assurance? 2. If the agency uses project funds, are they used for classes at the same site, includes public/private enrollees? 3. Other;			___ District Plan, page __ ___ Project fund descriptions ___ Other;
7.15	The public agency does not use program funds to finance the existing level of instruction in a private school or to otherwise benefit the private school. [34 CFR 76.658(a), 300.451] **Comments:**	1. Does the agency provide an assurance? 2. Do finance records indicate that program funds are not used in a private school? 3. Other;			___ District Plan, page __ ___ Finance records ___ Other;
7.16	The public agency uses program funds to meet the specific needs of students enrolled in private schools rather than: A. The needs of a private school. B. The general needs of the students enrolled in a private school. [34 CFR 76.658(b), 300.451] **Comments:**	1. Does the agency provide an assurance? 2. Are program funds used to meet the needs of the individual student(s)? 3. Other;			___ District Plan, page __ ___ Finance records ___ IEPs ___ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
7.17	The public agency uses program funds to pay for the services of an employee of a private school only if: A. The employee performs the services outside of his or her regular hours of duty; and B. The employee performs the services under public supervision and control. [34 CFR 76.660, 300.451] **Comments:**	1. Does the agency provide an assurance? 2. If funds are paid to an employee of the private school, are the services provided: a. outside regular hours, and b. under public agency supervision and control? 3. Other;			____ District Plan, page __ ____ Contracts ____ Finance records ____ Staff evaluation ____ Other;
7.18	The public agency maintains title to and administrative control of all equipment and supplies acquired with program funds: A. The public agency ensures that the equipment or supplies placed in a private school: 1. Are used only for the purposes of the project. 2. Can be removed from the private school without remodeling the private school facilities. B. The public agency removes equipment or supplies from a private school if: 1. The equipment or supplies are no longer needed for the purposes of the project. 2. Removal is necessary to avoid use of the equipment or supplies for other than project purposes. [34 CFR 76.661, 300.451] **Comments:**	1. Does the agency provide an assurance? 2. If equipment/supplies are acquired are they: a. used for the project, b. removable? 3. Other;			____ District Plan, page __ ____ Finance records ____ Purchase orders ____ On-site verification ____ Other;
7.19	The public agency ensures that program funds are not used for the construction of private school facilities. [34 CFR 76.662, 300.451] **Comments:**	1. Does the agency have an assurance? 2. Do financial records validate that the agency does **not** use program funds for construction of private school facilities? 3. Other;			____ District Plan, page __ ____ Finance records ____ Applications ____ Other;

Section	Regulation	Compliance Criteria	Compliance Yes	Compliance No	Compliance Documentation
7.20	If the average cost of meeting the needs of students in public and private schools is different, the public agency expends a different average amount commensurate with the difference in the average cost of meeting the needs of students in private schools who receive benefits under the program. [34 CFR 76.655(b), 300.451] **Comments:**	1. Does the agency have an assurance? 2. If average cost is different, is the difference average of those who receive benefits under the project? 3. Other;			___ District Plan, page __ ___ Application ___ Per pupil expenditures ___ Other;
7.21	If the average cost of meeting the needs of students in public and private schools is the same, the public agency expends the same average amount of program funds for a student enrolled in a private school who receives benefits under the program as it does for a public school student who receives benefits under the program. [34 CFR 76.655(a), 300.451] **Comments:**	1. Does the agency have an assurance? 2. If the average cost is the same, does the agency expend the same (ave.) amount for a student enrolled in a private school? 3. Other;			___ District Plan, page __ ___ Application ___ Per pupil expenditures ___ Other;
8 8.1	PROCEDURAL SAFEGUARDS The parents of a handicapped child are afforded, in accordance with §300.562-300.569 (see below), an opportunity to inspect and review all education records with respect to: A. The identification, evaluation, and educational placement of the child, and B. The provision of a free appropriate public education to the child. [34 CFR 300.502] **Comments:** P & P pp. 23-28, 83, 87-89, 96, 99, 101-105, 107.	1. Does the agency provide an assurance? 2. Have parents been afforded the opportunity to review records at a. identification b. evaluation, c. placement; and d. FAPE? 3. Other;	Syst.	Compl.	___ District Plan, page __ ___ Record access ___ Parent permission ___ Categorical ___ IEPs ___ Review of Placement/IEP # ______ files, # ______ non compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
8.2	A. 1. The parents of a handicapped child have the right to obtain an independent educational evaluation of the child, subject to paragraphs B through E below. 2. Each public agency provides to parents, on request, information about where an independent educational evaluation may be obtained. B. If the parent disagrees with an evaluation obtained by the public agency, the parent has the right to an independent educational evaluation (i.e., conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child) and at public expense (i.e., which the public agency either pays for or ensures that it is otherwise provided at no cost to the parent). The public agency may initiate a hearing under §300.506 of this subpart to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. C. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation: 1. Are considered by the public agency in any decision made with respect to the provision of a free appropriate public education to the child, and 2. May be presented as evidence at a hearing under the subpart regarding that child. D. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation is at public expense. E. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, are the same as the criteria which the public agency uses when it initiates an evaluation. [34 CFR 300.503] **Comments:** P & P pp. 34-35, 87-89, 91-92, 96.	1. Does the agency provide an assurance? 2. Does the agency have a list of where an evaluation can be obtained? 3. If an independent evaluation was conducted were the results a. considered; b. presented at a hearing (if a hearing is held)? 4. If a hearing officer ordered an educational evaluation, was it at public expense? 5. If the evaluation was at public expense, was the examiner qualified under state policies? 6. Other:			____ District Plan, page __ ____ List Ind. Evaluations ____ Independent Evaluations ____ Multidisciplinary Evaluation Team Summary ____ Hearing record (# ________________)
			Syst.	Compl.	# ______ files, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
8.3	A. Written notice which meets the requirements under 34 CFR 300.505 is given to parents of a handicapped child a reasonable time before the public agency: 1. Proposes to initiate or change the identification,evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or 2. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. 3. Written parental consent is obtained before: a. Conducting an individual evaluation; and [OS 70-1210.277] b. Initial placement of a handicapped child in a program providing special education and related services. 4. Except for preplacement evaluation and initial placement, written consent may not otherwise be required as a condition of any benefit to the parent or child. B. A parent's refusal to give written consent. A public agency may use the hearing procedures in 34 CFR 300.506-300.508 to determine if the child may be evaluated or initially provided special education and related services without parental consent. [34 CFR 300.504]	1. Does the agency have an assurance? 2. Are parents given prior written notice? 3. Does the agency have parent permission prior to evaluation? 4. Does the agency have the parent signature on the initial IEP? 5. If a parent refuses evaluation or initial placement, has the agency accessed due process? 6. Other;			___ District Plan, page __ ___ Written notice of meeting ___ Parent permission for evaluation ___ Initial IEPs ___ Hearing record/request # _______ ___ Other;
	Comments: P & P pp. 5-6, 29, 42, 87-89, 95-96, 101-104.		Syst.	Compl.	# _______ files, # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
8.4	A. The Local Education Agency's (LEA's) written notice must include: 1. A full explanation of all of the procedural safeguards available to the parents; 2. A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected; 3. A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and 4. A description of any other factors which are relevant to the agency's proposal or refusal. B. The notice is: 1. Written in language understandable to the general public, and 2. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. C. If the native language or other mode of communication of the parent is not a written language, the public agency takes steps to ensure: 1. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; 2. That the parent understands the content of the notice, and 3. There is written evidence that the requirements in paragraphs C1 and 2 of this section have been met. [34 CFR 300.505] **Comments:** P & P pp. 6, 87-89, 95-96.	1. Does the agency have an assurance? 2. Does the written notice contain: a. procedural safeguards b. actions proposed c. description of evaluation procedure d. translation? 3. Was the notice provided in the native language/mode of communication? 4. If translation was provided, was it documented? 5. Other;	Syst.	Compl.	___ District Plan, page __ ___ Written notice of meeting ___ Parent permission ___ Other; # ______ files, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
8.5	Each public agency is aware of and accesses the due process system established and implemented by the State Department of Education. [34 CFR 300.506-300.512] [MOU] **Comments:** P & P pp. 75-77, 101-104.	1. Does the agency provide an assurance? 2. If the agency has accessed the due process system, is the decision being implemented? 3. Other;			___ District Plan, page __ ___ Due Process, case # ______ ___ IEP's ___ Tracking ___ Other;
8.6	A. During the pendency of any administrative or judicial proceeding regarding complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint remains in his or her present educational placement. B. If the complaint involves an application for initial admission to public school, the child, with consent of the parents, is placed in the public school program until the completion of all the proceedings. [34 CFR 300.513] **Comments:**	1. Does the agency provide an assurance? 2. If proceedings are pending, has the child remained in the last agreed upon placement? 3. If the complaint is for initial placement and parent gives consent, is the child placed in the school program? 4. Other;			___ District Plan, page __ ___ Due process, case # ______ ___ IEPs ___ Tracking ___ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
8.7	Surrogate Parents A. Each public agency ensures that the rights of a child are protected when: 1. No parent can be identified. ("Parent" means a parent, a guardian; a person acting as a parent of a child, or an appointed surrogate.) 2. The public agency, after reasonable efforts cannot discover the whereabouts of a parents; or 3. The child is a ward of the court. B. Duty of public agency. 1. The public agency determines whether a child needs a surrogate parent, and 2. Recruits and trains a surrogate parent for the child, when needed. C. Criteria for selection of surrogates. 1. The public agency selects a person as a surrogate who: a. Has no interest that conflicts with the interest of the child he or she represents; and b. Has knowledge and skills that ensure adequate representation of the child. D. Any person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child. E. The surrogate parent represents the child in all matters relating to: 1. The identification,evaluation, and educational placement of the child, and 2. The provision of a free appropriate public education to the child. [34 CFR 300.514] F. The LEA shall list those surrogate parents now being utilized on behalf of handicapped students.	1. Does the agency provide an assurance? 2. Has the agency determined the need for a surrogate parent? 3. Have surrogate parents been recruited/trained? 4. Has the agency complied with criteria for selection? 5. Does the agency have verification of training in each file of a child needing a surrogate parent? 6. If a child requires a surrogate parent, was this trained surrogate parent involved in the identification, evaluation, and placement? 7. Does the agency have a list of current surrogate parents? 8. Other;			___ District Plan, page __ ___ Interview ___ Verification ___ Training Packets (___SDE, ___Other; list:) ___ IEPs, parent permission, categorical, review ___ Other;
	Comments: P & P pp. 6-8, 87-89, 99, 101-105, 113.		Syst.	Compl.	(# ______ files) # ______ children requiring surrogate parent, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance Yes	Compliance No	Compliance Documentation
9 9.1	STUDENT EVALUATION **Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory. [34 CFR 300.530]** **Comments:** P & P pp. 31-32, 91-92.	1. Does the agency provide an assurance? 2. Were evaluations racially or culturally non-discriminatory?	Syst.	Compl.	___ District Plan, page __ ___ Evaluations(s) ___ Other; # _______ files, # _______ non-compliance
9.2	Before any action is taken with respect to the initial placement of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs is conducted in accordance with the requirements of 34 CFR 300.532. [34 CFR 300.531] **Comments:** P & P pp. 29-30, 91-92.	1. Does the agency provide an assurance? 2. Were evaluations (initial) comprehensive in accordance with 9.3 and state policies?	Syst.	Compl.	___ District Plan, page __ ___ Multidisciplinary Evaluation Team Summary ___ Evaluations ___ Other; # _______ files, # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
9.3	The public agency ensures that: A. Testing and other evaluation materials: 1. Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; 2. Have been validated for the specific purpose for which they are used; and 3. Are administered by trained personnel in conformance with the instructions provided by their producer; B. The evaluation does not rely exclusively upon tests and materials which are designed to provide a single general intelligence quotient; C. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure); D. No single procedure is used as the sole criterion for determining an appropriate educational program for a child; E. The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the suspected disability; and F. The child is assessed in all areas related to the suspected disability, including *where appropriate*: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. [34 CFR 300.532] **Comments:** P & P pp. 29-37, 85-86, 91-92.	1. Does the agency provide an assurance? 2. Did the agency provide materials that were: a. admn. in child's native lang./mode of communication, b. validated for purpose used, c. administered by qualified personnel in accordance with state policies? 3. Did the evaluation: a. rely on tests other than measures which provide a single IQ, b. accurately reflect the level, aptitude and not impairment, c. contain more than a single criterion, d. include a multidisciplinary team, e. assess all areas related to the suspected disability and in accordance with state policies?	Syst.	Compl.	____ District Plan, page __ ____ Evaluation(s) ____ Referral ____ Socio-cultural data ____ Multidisciplinary Evaluation Team Summary ____ Other; # ______ files, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
10 10.1	ELIGIBILITY AND PLACEMENT Eligibility: The public agency ensures that: A. A multidisciplinary evaluation team summary has been completed prior to eligibility. [OS 70-1-105] B. Within 15 school days of receipt of evaluation results, a team determines categorical eligibility. [OS 70-1-105] **Comments:** P & P pp. 28, 35, 91-92, 99.	1. Does the agency provide an assurance? 2. Was an evaluation team summary completed? 3. Was the team complete? 4. Did the agency determine eligibility within the timeline? 5. Did the eligibility team include all members? 6. Other;			___ District Plan, page __ ___ Multidisciplinary Evaluation Team Summary ___ Evaluation ___ Categorical ___ Other;
			Syst.	Compl.	
					# ______ files, # ______ non-compliance

515

516

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
10.2	Placement: A. Data from a variety of sources is gathered and considered in the placement decision. [34 CFR 300.533(a)(1)] B. Information obtained from all sources (including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior) is documented. [34 CFR 300.533(a)(2)] C. Interpretation of evaluation data and determination of a child's placement in special education are made by a team of persons knowledgeable about: 1. The child. 2. The meaning of the evaluation data. 3. Placement options. [34CFR 300.533(a)(3)] D. Placement decisions are made in conformity with the least restrictive environment rules in 34 CFR 300.550-554. [34 CFR 300.533(a)(4)] E. If a determination is made that a child is handicapped and needs special education and related services, an individualized education program is developed within 30 calendar days for the child in accordance with 34 CFR 300.340-300.349. [34 CFR 300.533] F. Each child's placement is determined annually based on his/her individualized education program. [34 CFR 300.552(a)] **Comments:** P & P pp. 21-23, 28, 29, 31, 35, 40-41, 85-86, 91-92, 99, 101-104.	1. Does the agency provide an assurance? 2. Did the agency obtain information from a variety of sources such as: a. achievement/aptitude b. social-cultural c. normed adaptive behavior and other sources? 3. Was evaluation and placement made by a knowledgeable team? 4. Other;			___ District Plan, page __ ___ Evaluation (adaptive/socio/achievement) ___ Referral ___ IEPs ___ Other;
			Syst.	Compl.	
					# ______ files, # ______ non-compliance
		5. Were placements made in conformance with section 13? 6. Did the agency conduct an IEP meeting for children determined eligible? 7. Was the placement determined annually based on the IEP?			D. See 13.1, 13.2, 13.3 E. See Section 6 F. See 6.2C, 6.9

517

518

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
11 11.1	REEVALUATION Each public agency conducts an evaluation of the child based on procedures that meet the requirements under [34 CFR 300.532], every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation. [34CFR 300.534] **Comments:** P & P pp. 33-34, 91-92.	1. Does the agency provide an assurance? 2. Does the agency conduct reevaluations within 3 years? 3. Are reevaluations in conformance with sections 9.3, 10.2B, and state policies?	Syst.	Compl.	___ District Plan, page __ ___ Evaluations # _______ files, # _______ non-compliance
12 12.1	SPECIFIC LEARNING DISABILITIES: Each agency has developed and implements criteria for determining the existence of a specific learning disability in accordance with [34 CFR 300.541] [OS 70-13-101] **Comments:**	1. Does the agency provide an assurance? 2. Has the agency developed a criteria? 3. Does the agency implement its criteria? 4. Other;	Syst.	Compl.	___ District Plan, page __ ___ Criteria: ___________________ ___ Evaluation ___ LD Evaluation Summary ___ Other; # _______ LD files, # _______ non-compliance
12.2	Each agency shall document observation of academic or performance/behavior in the regular class or of age appropriate environment by a team member other than the child's regular teacher. [34 CFR 300.542] **Comments:** P & P pp. 38-39, 93.	1. Does the agency provide an assurance? 2. Does the agency conduct/document observation prior to the LD Evaluation team meeting? 3. Was the observation completed by a team member other than the child's regular teacher? 4. Was the observer a team member? 5. Other;	Syst.	Compl.	___ District Plan, page __ ___ LD observation ___ LD Evaluation Summary ___ Other; # _______ LD files, # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
12.3	In evaluating a child suspected of having a specific learning disability, in addition to the requirements of 34 CFR 300.532, each public agency includes on the multidisciplinary evaluation team: A. 1. The child's regular teacher; or 2. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age, or 3. For a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age; and B. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. [34 CFR 300.540] C. A teacher certified in the area of learning disabilities. [OS 70-13-101; OS 70-13-111; OS 70-1210-508] **Comments:** P & P pp. 38, 93.	1. Does the agency provide an assurance? 2. Does the LD Evaluation team include: a. regular teacher b. diagnostic team member c. certified LD teacher? 3. Other;			___ District Plan, page _ ___ LD Evaluation Summary ___ Certification ___ Other;
			Syst.	Compl.	
					# ______ LD files, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
12.4	The team prepares a written report of the results of the evaluation. A. The report includes a statement of: 1. Whether the child has a specific learning disability; 2. The basis for making the determination; 3. The relevant behavior noted during the observation of the child; 4. The relationship of that behavior to the child's academic functioning; 5. The educationally relevant medical findings, if any; 6. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and 7. The determination of the team concerning the effects of physical/sensory, environmental, cultural, or economic disadvantage. B. Each team member certifies in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member submits a separate statement presenting his or her conclusions. [34 CFR 300.543] [OS 70-13-101] **Comments:** P & P pp. 39, 85-86, 93.	1. Does the agency provide an assurance? 2. Is the LD Evaluation Summary complete? 3. Does the team include all members? (see 12.3) 4. Other;	Syst.	Compl.	___ District Plan, page __ ___ LD Evaluation Summary ___ Evaluation ___ Observation ___ Referral ___ Other; # ______ LD files, # ______ non-compliance
13 13.1	LEAST RESTRICTIVE ENVIRONMENT Each public agency establishes and implements procedures which meet the requirements of 34 CFR 300.550-300.556. [34 CFR 300.550 (a)] **Comments:** P & P pp. 21-23, 85-86, 99, 101-104, 105.	1. Does the agency provide an assurance? 2. Are procedures implemented in accordance with 13.2, 13.3, and 13.4?	Syst.	Compl.	___ District Plan, page __ ___ Forms (i.e., Referral, Categorical, IEP, Review) ___ Other;

Section	Regulation	Compliance Criteria	Compliance Yes	 No	Compliance Documentation
13.2	Each public agency: A. To the maximum extent appropriate, educates handicapped children, including children in public or private institutions or other care facilities, with children who are not handicapped, and B. Ensures that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [34 CFR 300.550] **Comments:** P & P pp. 21, 85-86, 101-104.	1. Does the agency provide an assurance? 2. Does the agency educate handicapped with non-handicapped? 3. Does the agency document the use of supplementary aids/services? 4. Does the agency document reason for removal? 5. Other;	 Syst.	 Compl.	___ District Plan, page __ ___ Referral ___ IEPs ___ Schedules ___ Tracking ___ Interview ___ Other; # _______ files, # _______ non-compliance
13.3	Each public agency has in place a continuum of alternative placements to meet the needs of handicapped children for special education and related services. [34 CFR 300.551] **Comments:** P & P pp. 21-22, 101-105.	1. Does the agency provide an assurance? 2. Does the agency provide/document a continuum of placements? 3. Other;			___ District Plan, page __ ___ Program description ___ Cooperative agreement ___ Review of Placement/IEP ___ IEP ___ Tracking ___ Interview ___ Other;
13.4	A. The child's educational placement is as close as possible to the child's residence. [34 CFR 300.552(a)(3)] B. Unless a handicapped child's individualized education program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped. [34 CFR 300.552(c)] C. Consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs. [34 CFR 300.552(d)] **Comments:** P & P pp. 22, 101-105.	1. Does the agency provide an assurance? 2. Does the agency document on the IEP or elsewhere: a. location of placement b. potential harmful effect 3. Other;	 Syst.	 Compl.	___ District Plan, page __ ___ IEPs ___ Review of IEP/Placement ___ Other; # _______ files, # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
14 14.1	**CONFIDENTIALITY** The public agency ensures that it shall permit parents to inspect and review any educational records relating to their child which are collected, maintained, or used by the agency. [34 CFR 300.562(a)] *Comments:* P & P pp. 23-28, 83, 87-89, 95-96, 101-104, 107.	1. Does the agency provide an assurance? 2. Is there documentation parents are permitted to inspect/review records? 3. Other;	*Syst.*	*Compl.*	___ District Plan, page __ ___ Record access ___ Parent permission ___ Written notice of meeting ___ IEPs ___ Interview ___ Other; # ______ files, # ______ non-compliance
14.2	*If a parent requests to inspect or review records, the public agency:* A. *Complies with the request without unnecessary delay before any meeting regarding an individualized education program or hearing related to the identification, evaluation, or placement of the child.* [34 CFR 300.562(a)] B. *Complies with the request within no more than 45 days.* [34 CFR 300.562(a)] **Comments:** P & P pp. 24, 83, 107.	1. *Does the agency provide an assurance?* 2. *If a parent has requested to review records, did the agency:* a. *comply without delay before any meeting, or* b. *comply within 45 days?* 3. *Other;*	*Syst.*	*Compl.*	___ *District Plan, page __* ___ *Record access* ___ *Request to review records* ___ *Other;* # ______ files, # ______ non-compliance
14.3	The public agency's policy regarding the right to inspect and review records includes: A. A provision that the public agency responds to reasonable requests for explanations and interpretations of records. [34 CFR 300.562(b)(1)] B. A provision that the public agency provides copies of records containing information if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review the records. [34 CFR 300.562(b)(2)] C. A provision that representatives of the parents have the right to inspect and review the records. [34 CFR 300.562(b)(3)] Comments:	1. Does the agency's policy/assurance the provision for: a. request for explanations, b. copies are provided c. parent representatives may review records? 3. Other;			___ District Plan, page __ ___ Policies ___ Other;

527

528

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
14.4	*The agency allows a parent to inspect and review records relating to his or her child unless the public agency has been advised that the parent does not have the authority under state law governing such matters as guardianship, separation, or divorce. [34 CFR 300.562(a) and (c)]* ***Comments:***	1. Does the agency provide an assurance? 2. If a parent does not have the authority to access records, has the agency permitted review? 3. Other;	Syst.	Compl.	___ District Plan, page __ ___ Legal decree ___ Request for access ___ Other; # _______ files, # _______ non-compliance
14.5	*The participating agency:* A. *Keeps a record of parties obtaining access to education records collected, maintained, or used under this law. [34 CFR 300.563]* B. *The record of access includes name of the party, date was access was given, and the purpose. [34 CFR 300.563]* **Comments:** P & P pp. 27, 83, 107.	1. Does the agency provide an assurance? 2. Does the agency keep a record access for each confidential record? 3. Does the record access include: a. name b. date of access c. reason for access? 4. Other;	Syst.	Compl.	___ District Plan, page __ ___ Record access ___ Other; # _______ files, # _______ noncompliance
14.6	If any education record includes information on more than one child, the public agency ensures that the parents of the child shall have the right: A. To review and inspect only the information relating to their child; or B. To be informed of that specific information. [34 CFR 300.564] **Comments:**	1. Does the agency provide an assurance? 2. If a record contains information on more than one child, did the agency protect information of other students and allow review of said child's information only? 3. If an educational record contains information on more than one child, were parents informed of which information can be reviewed? 4. Other;	Syst.	Compl.	___ District Plan, page __ ___ Confidential records ___ Educational records ___ Record access ___ Other; # _______ files, # _______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
14.7	The public agency provides to parents, on request, a list of the types and locations of education records collected, maintained, or used by the public agency. [34 CFR 300.565] [34 CFR 99.5(a)(iv)] **Comments:**	1. Does the agency provide an assurance? 2. If a parent requests, does the agency have a list of types/location of records? 3. Other;			____ District Plan, page __ ____ List of record location ____ FERPA policy ____ Other;
14.8	A public agency may charge for fees for copies of records providing: A. The public agency's procedures allow for charging a fee for copies of records if fee does not prevent parents from exercising the above right. [34 CFR 300.566(a)] B. The public agency does not charge a fee for search or retrieval of information for the parent. [34 CFR 300.566(b)] [34 CFR 99.5(2) iii, 34 CFR 99.8] **Comments:**	1. Does the agency provide an assurance? 2. Does the fee, if any, allow for access of copies? 3. Does the agency allow search or retrieval at no cost? 4. Other;			____ District Plan, page __ (fee________) ____ Request of records ____ FERPA policy ____ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
14.9	Provision is made by the agency for amendment of records at parent request: A. A parent who believes that the education records collected, maintained, or used under this part are inaccurate, misleading or violate the privacy or other rights of the child may request the participating public agency maintaining the information to amend same. [34 CFR 300.567(a)] B. The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receiving the request. [34 CFR 300.567(b)] C. If the agency refuses to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing. [34 CFR 300.567(c)] 1. On request, the agency provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. This hearing will be conducted according to the procedures under 34 CFR 99.22 of the Family Education Rights and Privacy act. [34 CFR 300.568; 34 CFR 300.570] 2. If, as a result of the hearing, the agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it amends the information accordingly and so informs the parent in writing. [34 CFR 300.569(a)] 3. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it informs the parents of the right to place in the records it maintains on the child, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the public agency. [34 CFR 300.569(b)] 4. The agency requires that any explanation by parents placed in the records of the child: a. Be maintained by the public agency as part of the records as long as the record or contested portion is maintained by the agency. [34 CFR 300.569(c)(1)] b. Be disclosed if the records of the child or the contested portion are disclosed by the agency to any party. [34 CFR 300.569(c)(2)] **Comments:** P & P pp. 27-28, 107.	1. Does the agency provide an assurance? 2. Does the agency have a policy which provides for: a. amendment of records, b. decision on amendment, c. hearing if amendment is refused? 3. Does the agency's hearing procedures include: a. that if information is misleading it will be amended and parents informed, b. that if information is correct, parents will be informed that a statement of disagreement can be placed in the record, c. that any explanation statement be maintained in the record, and be disclosed to any party if records are disclosed by the agency? 4. Other;			____ District Plan, page __ ____ FERPA policy ____ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
14.10	The agency requires that parental or adult (18 or over) student consent be obtained before personally identifiable information is disclosed to anyone **other** than officials of participating agencies collecting or using this information or is used for any purpose other than meeting a requirement under this part. [34 CFR 300.571(a)(1) and (2)] [34 CFR 99.6, 99.31, 99.32] **Comments:** P & P pp. 23, 27, 107, 109, 110.	1. Does the agency provide an assurance? 2. Does the agency require parental consent for release of records to persons **other** than participating agencies? 3. Other;			___ District plan, page ___ ___ FERPA policy ___ Permission to release ___ Other;

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
14.11	The agency documents the following safeguards regarding confidentiality: A. The public agency protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. [34 CFR 300.572(a)] B. One public agency official assumes responsibility for ensuring the confidentiality of any personally identifiable information. [34 CFR 300.572(b)] C. All individuals collecting or using personally identifiable information have received training/instruction in federal and state confidentiality policies and procedures. [34 CFR 300.572(c)] D. Each agency maintains for public inspection a current listing of the names and positions of the employees within the public agency who have access to personally identifiable information. [34 CFR 300.572(d)] E. The agency maintains records for five years after the completion of the activity. [34 CFR 76.734] F. The agency informs parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child. [34 CFR 300.573(a)] G. The agency requires that information which is five years old and is no longer needed to provide educational services to the child, be destroyed at the request of parents (except that the student's name, address, phone number, grades, attendance record, classes attended, grade level completed may be maintained without time limitation). Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the documents, the documents will be destroyed. [34 CFR 300.573(b)] H. The agency will maintain all records involved in any legal action until the completion of the action or for five years, whichever is later. [34 CFR 74.21(b), 34 CFR 76.734] I. The agency ensures that children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of the disability. [34 CFR 300.574] **Comments:** P & P pp. 26-27, 107.	1. Does the agency provide an assurance? 2. Does the agency: a. protect confidentiality of information b. designate one official responsible for (a), c. train/instruct all individuals collecting or using confidential information in confidentiality procedures, d. maintain a list of current persons and positions who have access, e. maintain records for five years, f. inform parents when information is no longer needed, g. inform parents 60 days before destruction and give the opportunity to obtain records, h. maintain records involved in legal action five years, i. ensure rights of privacy 3. Other			___ District Plan, page ___ ___ Designated official: ___________ ___ Observation of storage ___ Inservice agenda/sign-in sheet ___ Roster/position ___ Records ___ Letter of destruction ___ Legal action (# _______)

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
14.12	The public agency annually informs parents and adult (18 and over) students of their rights, the public agency's policies and procedures regarding confidentiality, and their right to file complaints regarding confidentiality. [34 CFR 99.6, 34 CFR 99.7] **Comments:** P & P pp. 23-25, 107.	1. Does the agency provide an assurance? 2. Does the agency annually notify parents/eligible students of their rights? 3. Is this notice documented for five years? [34 CFR 76.734] 4. Does the notice contain a statement that a parent has a right to: a. inspect/review the student's records, b. request the amendment of records, (see 14.9) c. consent to disclosure (except to extent of FERPA) d. file a complaint with U.S. Dept. of Ed., e. obtain a copy of the policy, and also include: f. places where copies of the policy are located g. translation provision for parents who have a primary/home language other than English? 5. Other;			___ District Plan, page __ ___ FERPA annual notice ___ Other;
14.13	The public agency assures that all parental rights regarding records shall pass to the child upon reaching the age of majority (age 18) or when attending an institution of post secondary education, unless a specific statute or a court decision directs otherwise. [34 CFR 99.3, OS 51-24 A.16] **Comments:** P & P pp. 25, 107.	1. Does the agency provide an assurance? 2. Does the agency have a policy? 3. Other;			___ District Plan, page __ ___ Agency Policy (FERPA, other ____________________)

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
15 15.1	RESPONSIBILITY FOR ALL EDUCATIONAL PROGRAMS That each educational program for handicapped children administered within the state, including each program administered by any other public agency meets education standards of the state educational agency (including the requirements of this part). [34 CFR 300.600] {MOA} **Comments:**	1. Does the agency provide an assurance? 2. Does the agency meet SEA standards? 3. Other; (If systemic non-compliance is noted elsewhere, cite here also.)			___ District Plan, page __ ___ Other sections (1-20)
16 16.1	HEALTH OR SAFETY STANDARDS FOR FACILITIES The public agency shall comply with any federal health or safety requirements that apply to the facilities that the subgrantee uses for a project. [34 CFR 76.683] [OS 63-176] **Comments:**	1. Does the agency provide an assurance? 2. Does the agency comply with health/safety requirements? 3. Other;			___ District Plan, page __ ___ Observation (OSHA posters, fire/tornado procedures, exit, dangerous chemicals, etc.) ___ Other;
17 17.1	COMPLIANCE WITH STATUTES, REGULATIONS, STATE PLAN AND APPLICATIONS A subgrantee shall comply with the Oklahoma State Plan and applicable statutes, regulations, and approved applications, and shall use federal funds in accordance with those statutes, regulations, plan, and applications. [34 CFR 76.700] **Comments:**	1. Does the agency provide an assurance? 2. Does the agency comply with the State Plan? 3. Does the agency meet prior to the end of the 8th grade to develop an IEP goal for completion of a secondary program? 4. Other; *(If systemic non-compliance is noted elsewhere, cite here also.)*			___ District Plan, page __ ___ Other sections (1-20) ___ Confidential records ___ Other;

<table>
<tr><th rowspan="2">Section</th><th rowspan="2">Regulation</th><th rowspan="2">Compliance Criteria</th><th colspan="2">Compliance</th><th rowspan="2">Compliance Documentation</th></tr>
<tr><th>Yes</th><th>No</th></tr>
<tr>
<td>17.2</td>
<td>An agency shall comply with state statutes, regulations, policy and procedures as approved in the Oklahoma State Plan by:
A. Conforming to class size/case load policies.
B. Providing a trained paraprofessional in the teaching of handicapped children categorized multihandicapped and/or deaf-blind.
1. Active
2. Inactive
C. Providing home-based programs which permit instruction outside the school setting.
D. Participating in the annual Public Law 89-313/94-142 child count (unduplicated).
<table>
<tr><th></th><th>94-142</th><th>89-313</th><th></th><th>94-142</th><th>89-313</th></tr>
<tr><td>Year</td><td></td><td></td><td>Year</td><td></td><td></td></tr>
<tr><td>EMH</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>TMH</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>HH</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>D</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>SI</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>VH</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>ED</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>OI</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>OIH</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>LD</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>DB</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>MH</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>TOTAL</td><td></td><td></td><td>TOTAL</td><td></td><td></td></tr>
</table>
(Continued)</td>
<td>1. Does the agency provide an assurance?
2. Does the agency comply with:
a. if there is no approved modified program, does the agency conform to class size/caseload?
b. use of trained paraprofessional for multihandicapped and/or deaf-blind children and have verification of training?
c. providing home-based programs,?
d. child count;
(1) does the agency count only legal residents (unless under litigation) [94-142 only]?
(2) does the agency count only students who received services on Dec. 1 per the IEPs?
(3) the agency does not count
(a) children evaluated, but not served,
(b) children not enrolled in a public program, and
(c) children provided special education/related services that do not meet state standards.
(4) does the agency maintain a copy of child count/master list for five years?
(5) does the agency count children as designated on the categorical?
89-313 only
LEA:
(1) does the agency count either
(a) those children who previously attended a state operated facility for 180 days, or
(b) children currently enrolled in a state operated facility and are transported daily?
STATE OPERATED FACILITY:
(1) does the agency count only "full-time" residential?</td>
<td></td>
<td></td>
<td>____ District Plan, page __
____ Observation
____ Certification
____ Training Verification
____ Program Modification
____ Interview
____ Child Count
____ Other;</td>
</tr>
</table>

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
17.2 continued	E. Correctly completing and submitting all necessary fiscal program/data requirements: 1. EHA-B Application (a) Part 1 - District Plan (b) Part 2 - Budget 2. PL 89-313 3. Preschool 4. Annual data report F. Assuring that the following steps will be taken to implement the Comprehensive System of Personnel Development (CSPD). 1. Establish a CSPD Committee. 2. Conduct an Annual Needs Assessment. 3. Implement inservice training (as indicated by Annual Needs Assessment) to appropriate personnel. a. Regular Educators b. Special Educators c. Administrators d. Vo-Tech Personnel e. Support Personnel f. Related Services Personnel g. Parents h. Teacher Asst./Paraprofessional i. Headstart/Day Care j. Private Parochial School Personnel k. Institutions for Higher Education l. Others, e.g., medical personnel, volunteers, guidance centers 4. Evaluate and annually update the above procedures. 5. Establish effective procedures for acquiring and disseminating to teachers and administrators significant information derived from educational research, demonstration, and similar projects. [34 CFR 300.380-385]	2. Does the agency comply with: (continued) e. fiscal/data requirements; (1) District Plan and annual updates (2) Budget application/revision (3) PL 89-313 (4) Preschool (5) Annual data report (6) Maintaining (1-5) for five years f. CSPD requirements by: (1) establishing a committee, (2) conducting a needs assessment, (3) implementing and documenting inservice training as indicated on the needs assessment, (4) annually reviewing and updating (1-3) procedures, (5) providing documentation of procedures for disseminating information, (6) maintaining 1-5 for five years. g. including a vocational rehabilitation counselor and others for transitional planning? 3. Other;			___ District Plan, page __ ___ Applications (___single, ___co-op) ___ Reports (specify; ____________) ___ On-site observation ___ Needs Assessments ___ Inservice: ( ) ___ CSPD minutes ___ Other; CSPD chairman: ____________
	G. Providing delivery of special services to include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the IEP and IWRP. [PL 93-112] **Comments:** P & P pp. 1-3, 10-13, 17-20, 36-37, 55-57, 61, 67-68, 72-73, 95-96, 101-104.		Syst.	Compl.	___ IEPs ___ Written notice of meeting ___ Other; # ______ files, # ______ non-compliance

Section	Regulation	Compliance Criteria	Compliance		Compliance Documentation
			Yes	No	
18 18.1	ADMINISTRATION/SUPERVISION OF EACH PROJECT A subgrantee shall directly administer or supervise the administration of each project. [34 CFR 76.701] **Comments:**	1. Does the agency provide an assurance? 2. Does the agency supervise the administration of the program? 3. Other;			___ District Plan, page __ ___ Financial records ___ Administrative records ___ Interview ___ Other;
19 19.1	COMPLIANCE RECORDS A subgrantee shall keep records to show its compliance with program requirements. [34 CFR 76.731] **Comments:** P & P pp. 1-3, 83-137.	1. Does the agency provide an assurance? 2. Does the agency maintain records to show compliance? (see other sections) 3. Other; (If systemic non-compliance is noted elsewhere, cite here also)			___ District Plan, page __ ___ Records; ___ Administrative, ___ Confidential ___ Other;
20 20.1	ACCESSIBILITY The public agency program, when viewed in its entirety, is readily accessible to handicapped persons. (Not every building or part of a building need be accessible, but the program as a whole must be accessible.) A. In selecting alternative plans to make programs accessible, the public agency has given priority to those methods which allow handicapped persons to participate in programs/activities in settings which are the most integrated or are in the least restrictive environment appropriate. B. If structural changes are needed to achieve program accessibility, the public agency has developed a transition plan. [34 CFR 104.22] **Comments:**	1. Does the agency provide an assurance? 2. Is the program accessible to handicapped children? 3. Is the building in which the program is located accessible to handicapped children? 4. If the program/building is not accessible to handicapped children, does the agency have a transition plan?			___ District Plan, page __ ___ Physical Facilities ___ Observation ___ Transition Plan ___ Other;